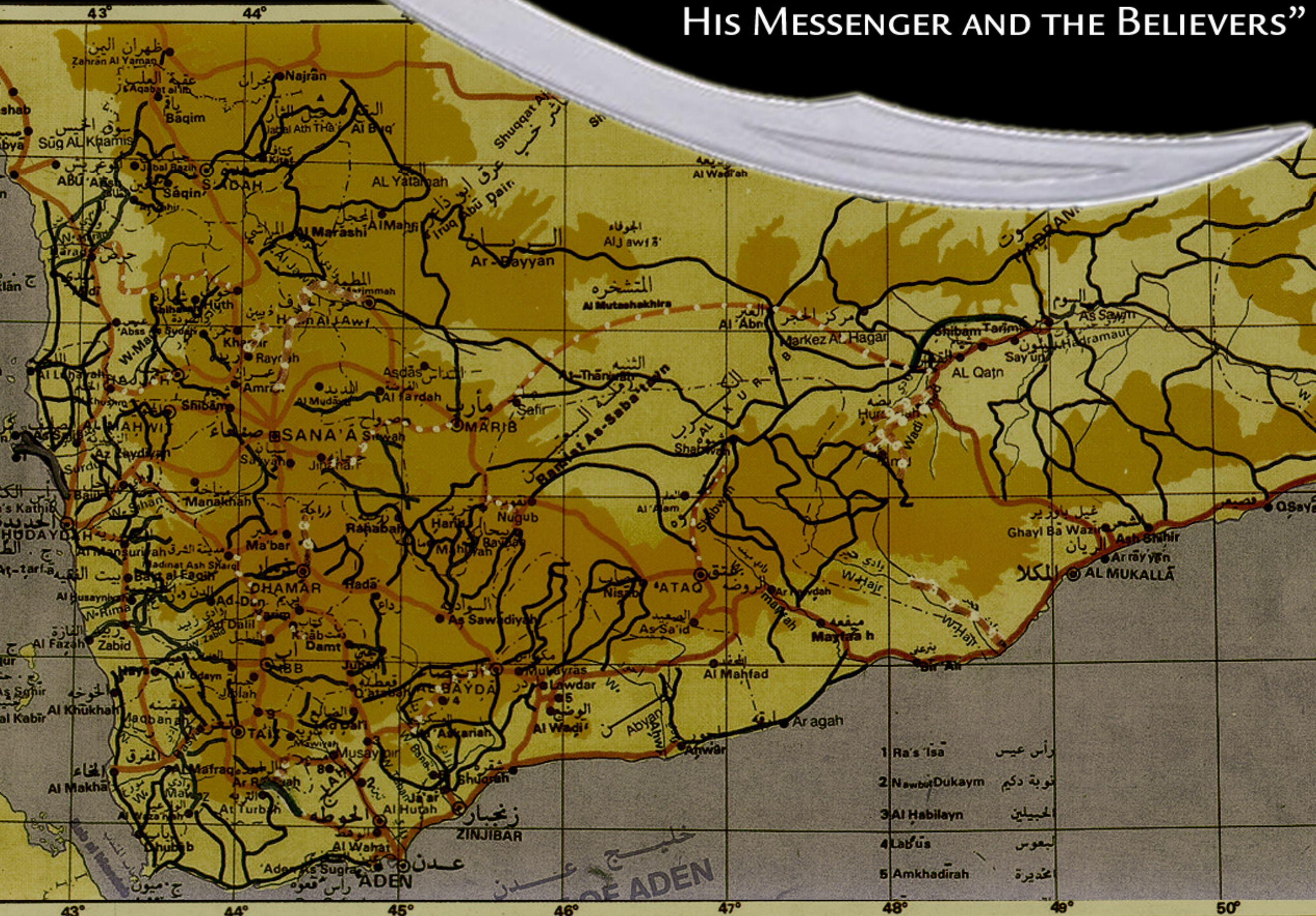
"The Slicing Sword

Against the one Who Forms Allegiances With the Disbelievers and Takes Them as Supporters Instead of Allâh, His Messenger and the Believers"



By the Eminent Scholar
'Abd Allâh ibn 'Abd al-Bârî al-Ahdal
(Died in the year 1,271 H.)

Forewarded by Shaykh Anwar Al-Awlaki

At-Tibyân Publications

دار البيان

السيف البتار

على من

يوالي الكفار

ويتخذهم من دون الله ورسوله والمؤمنين أنصار

"The Slicing Sword

Against the one Who

Forms Allegiances With the Disbelievers

and Takes Them as Supporters Instead of Allâh, His Messenger and the Believers"

تأليف

العلامة ذي المنهج الأعدل

عبدالله بن عبدالباري الأهدل

المتوفى سنة 1271هجرية

By the Eminent Scholar

'Abd Allâh ibn 'Abd al-Bârî al-Ahdal

(Died in the year 1271 H.)

At-Tibyân Publications

Muharram, 1430 H.

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Shaykh Anwar al-Awlaki's Foreword

This book "The Slicing Sword" represents the answers given by Shaykh Abd Allah Abd al Bari al Ahdal to questions on the topic of Hijra (migration for the sake of Allah) and al-wala and al-bara (loyality to Allah and disavowal of the enemies of Allah.) The importance of this book lies in the fact that the situation that the Shaykh was faced with is similar to our circumstances today which gives relevance to his answers. Aden was occupied by the British in 1837 and the author died around 1854. So his time was one in which the power of the Ottoman Khilafah was waning while the Western powers were on the rise. Therefore, this was a time when there were some Muslims who were replacing their pride in being Muslim and being subjects of Muslim rule with being subjects of Western occupiers and sailing under Western flags.

The author belongs to the Ahdal family who are descendants of al Imam al Hussain bin Ali and are a family steeped in Islamic scholarship. They are from the Shafi'i school and live on the Western coast of Yemen on the Red Sea. The same land of the companion of the Prophet Abu Musa al Ashari.

I have studied this book under two scholars from the family of al Ahdal and I would encourage my brother and sisters to benefit from it.

Translator's Foreword

Verily, all praise is due to Allâh and may His Blessings and Peace be upon our Prophet Muhammad and upon his family and his companions until the Last Day.

To proceed:

We present to the English reader this short series of Fatâwa from Imâm 'Abd Allâh ibn 'Abd al-Bârî al-Ahdal (d. 1271 H.), may Allâh be merciful to him. The Imâm belonged to one of the most prestigious scholarly families of Yemen in his time. And his descendants, may Allâh reward and preserve them, remain upon his legacy of knowledge and Da'wah until today.

The particular Fatâwa in this treatise, known as "As-Sayf al-Battâr" (i.e. "The Slicing Sword") specifically relates to the various rulings regarding the seizure and takeover of Muslim lands by an invading and occupying force, the rulings upon the Muslims therein and the state itself, the guidance of the Sharî'ah and the Islâmic response to occupied Muslim lands, and a strong condemnation of any allegiance or cooperation with that disbelieving, invading/occupying force. For obvious reasons this seemed particularly relevant to our period of time and the reader will likely see many parallels between the issues asked about by the questioner, and those answers offered by Al-Imâm al-Ahdal, may Allâh be merciful to him.

The manuscript we used as the basis of our translation contained a few typographical and reference errors, which we attempted to correct within the text itself. In addition to these minor corrections, we also offered further detailed book references, explanations and definitions, Hadîth origins with authenticity, as well as historical citations. We've done so in footnote form because the author's references were contained within the main text of the manuscript we used. Therefore, there was no need to differentiate our footnotes from those of the author, because this particular manuscript did not contain any of the author's references in footnote form. The final chapter of this essay contains our bibliography, with added publication and edition details to those book references we added.

As with all of our translation projects, At-Tibyân Publications has attempted to adhere as closely as possible to the literal meaning of the original Arabic texts, rather than paraphrasing or summarizing their meaning in English. And we have chosen to add explanatory phrases within parentheses, along with explanatory footnotes, in order to clarify the meanings of certain ambiguous passages, while still remaining comprehensible to the English reader. The structure of the author's introduction is somewhat grandiose, due to his very colourful, commanding and descriptive style of writing. This style resulted in a slightly awkward English translation of his introduction, as we attempted to remain as accurate and literal to his text. And there are a few passages within the body of the essay where this style resurfaces. However, for the most part, the author defaults to a rather simpler, linear style of writing in the actual Q & A portion of the treatise, which brings more fluidity to the English translation of those sections.

We have relied upon the "Interpretation of the Meanings of the Noble Qur'ân" by Dr. Muhammad al-Hilâlî and Dr. Muhammad Muhsin Khan as the source of our Qur'ânic translation. But all other Hadîths, narrations, and scholarly quotations are our original translations.

Certain common Islâmic phrases were left in Arabic and defined and transliterated bellow for reference:

تعالى	***Ta'âla***	the Most High (i.e. Allâh)
عز وجل	***'Azza wa Jall***	the Most Powerful, the Most Exalted (i.e. Allâh)
سبحانه	***Subhânahû***	Glory be to Him (i.e. Allâh)
عز من قائل	***'Azza min Qâ'il***	the Most Powerful of those who Speak (i.e. Allâh)
صلى الله عليه وسلم	***Sal Allâhû 'alayhî wa Sallam***	may Allâh send Blessings and Peaceupon him
عليه السلام	***'Alayhî Salâm***	may the Peace (of Allâh) be upon him
رضي الله عنه	***radhî Allâhû 'anhu***	may Allâh be pleased with him
رضي الله عنهما	***radhî Allâhu 'anhumâ***	may Allâh be pleased with them both

We would like to offer our most sincere gratitude to Shaykh Anwar al-Awlaki, may Allâh preserve him, for his assistance in correcting and offering suggestions for our research and footnote commentary.

We ask Allâh, عز وجل, to accept this small effort of ours, and to give those Mujâhidîn fighting in His path a clear and manifest victory, wherever they are fighting those disbelieving and occupying forces in Muslim lands.

And may His Blessings and Peace be upon our Noble Prophet Muhammad and upon his family and his companions and upon all those who follow their way, until the Last Day.

At-Tibyân Publications

Author's Introduction

O Fattâh,[1]

Praise be to Allâh, the One who glorified the religion of Islâm and protected it with the white swords and the dark spears and strengthened its pillars with the white Sharî'ah; its night is like its day; [2] enlightened the edges of its paths with the light of its pulpits, humiliated polytheism and ruined it, severed the nose of transgression and declared it to be ignorant, annihilated the transgressing and conceited Tâghût, [3] destroyed the pillars of its structures and the fabrications, demolished the matter of its false, broken-down vanities;

﴿وَمَا الْحَيَاةُ الدُّنْيَا إِلَّا مَتَاعُ الْغُرُورِ﴾

﴾***And the life of this world is only a deceiving enjoyment.***﴿ **(Al-Hadîd, 20)**

I praise Him, as He rescued us from misguidance, and made us from the followers of His Prophet; the abrogater of the Legislations of the (past) Messengers who preceded him in the previous eras. O Allâh, send Blessings and Peace upon this Great Prophet and Noble Messenger; the one whose religion You made dominant over all of the (other) religions. And it is the Soundest Religion, which is the Religion of Al-Malik (The King), Ad-Dayyân (The Recompenser).[4] And (likewise send blessings) upon his family and his companions; those whom gave the enemies the taste of the cups of death.

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[1]From the verse:

﴿قُلْ يَجْمَعُ بَيْنَنَا رَبُّنَا ثُمَّ يَفْتَحُ بَيْنَنَا بِالْحَقِّ وَهُوَ الْفَتَّاحُ الْعَلِيمُ﴾

﴾***Say: "Our Lord will assemble us all together*** *(on the Day of Resurrection)****, then He will judge between us with truth. And He is <u>Al-Fattâh</u>****(The Judge, the Opener)****, Al-'Alîm****(the All-Knowing)****."***﴿ **(Saba', 26)**

[2]Referring to the Hadîth of Al-'Irbâdh ibn Sâriyah, in which the Prophet, صلى الله عليه وسلم, said, "*I have left you upon the whiteness; its night is like its day, no one strays from it after me except for one who is perished.*" – Narrated by Ibn Mâjah in his "Sunan", Vol. 1/16 (#43) and Ahmad in his "Musnad", Vol. 28/367 (#17,141), and declared "Sahîh" by Al-Albânî in "Sahîh Ibn Mâjah", (#41), "Sahîh al-Jâmi' as-Saghîr", (#4,369) and "Silsilat al-Ahâdîth as-Sahîhah", (#937)

[3]**Tâghût:**Generally, anything worshiped besides Allâh, تعالى, be it through an act of veneration, devotion, absolute servitude or by referring disputes for judgements etc.

[4]From the Hadîth of 'Abd Allâh ibn Unays, who reported that the Prophet, صلى الله عليه وسلم, said: *"Allah, تعالى, will raise the creation up, naked, uncircumcised and having nothing with them. He will then call them in a voice that those who are far, will hear just as those who are near will hear: I am al-Malik (the King), I am ad-Dayyân (the Recompenser).*" – Narrated by Ibn Abî 'Âsim in "Kitâb as-Sunnah", (#514) and this is his phrasing. It was also narrated by Al-Bukhârî in "Khalq Af'âl al-'Ibâd", Pg. 18 and 92, Ahmad in his "Musnad", Vol. 25/431-432 (#16,042), and others. It was declared "Sahîh" by Ibn Hajar Al-Haytamîal-Makkî in "Az-Zawâjir 'An Iqtirâf al-Kabâ'ir", Vol. 2/243, and by Al-Albânî in "Kitâb as-Sunnah", (#514).

O Allâh, grant victory to the Muslims and allow them to attain what is correct.

Fight the Enemies of Allâh; Verily Paradise is Beneath the Shade of Swords[5]

And since the time (they first) unsheathed the whiteness of the swords of victory, they did not conceal them until guidance was established. And (likewise send blessings) upon those who followed them in goodness until the end of time. As for what follows...

Numerous noble and great topics were mentioned to us from a questioner whose heart was filled with love for the religion and who was firmly established in its adoration. And these questions became a great disaster, which some of the unwholesome groups of the Ummah (i.e. Islâmic Nation) – those which are near to the groups of disbelief – fell into. They divided their religion, which all goodness is befitting to come from. Therefore, it is a duty to answer these questions, purely from the Sunnah and the Book and to offer pure advice with the true religion, which is the sound judgement in speech and decision.

[5]Referring to the Hadîth of 'Abd Allâh ibn Abî Awfâ, in which the Prophet, صلى الله عليه وسلم, said, "*Do not wish to meet with the enemy, rather ask Allâh for pardoning. But if you do meet them, then be patient, and know that Paradise is beneath the shade of swords.*" – "Sahîh al-Bukhârî", (#2,818), (#2,965), and (#3,024) & "Sahîh Muslim", (#1,742)

THE FIRST QUESTION:

[Muslims Emigrating to the Lands, Which Were Seized by the Enemy, in Order to Build up its Economy While it Remains in their Control]

The questioner, may Allâh preserve him and guard him, said: "What is your opinion, may Allâh be pleased with you, regarding a country from the countries of the Muslims, which was conquered by Christian [6] combatants, or others besides them? What do you say about those from amongst the Muslims who move there and take up residence therein and become satisfied with its laws, which contradict the Sharî'ah – in other words, the Sharî'ah of Islâm – while they love those countries, due to what they acquire through bringing supplies to it and they erect buildings therein, like they did in their (former)countries? So what do you say about them doing that and regarding their faith, O group of knowledgeable scholars?

The Answer to the First Question:

The Answer: This question includes numerous rulings. The first of them is the ruling of the country from the lands of Islâm, which have been conquered by the disbelievers. And the great researcher, Ibn Hajar [7]verified in "At-Tuhfah" [8] and elsewhere, that it (i.e. that country) remains upon the ruling of Dâr Islâm, even if it is Dâr Harb [9] in appearance, as it (remains) Dâr Islâm in the rulings, due to his, صلى الله عليه وسلم, statement: '*Islâm dominates and is not dominated.*' [10] And due to His, تعالى, statement:

﴿إِنَّ الأَرْضَ لِلّهِ يُورِثُهَا مَن يَشَاء﴾

﴿***Verily, the earth belongs to Allâh. He gives it as a heritage to whomever He wills.***﴾**(Al-A'râf, 128)**

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[6]In his review of this translation, Shaykh Anwar al-Awlaki, may Allâh preserve him, explained: "The Yemeni people used to refer to all the European people as 'Nasârâ' (i.e. Christians). Until this day many villagers still refer to them that way. This is important to note because the Shaykh is not referring to missionaries here but is referring to the Western colonial powers whether they were Christian, Jewish, or Secularists."

[7]Referring to Shihâb ad-Dîn Ahmad ibn Muhammad ibn 'Alî ibn Hajar al-Haytamî al-Makkî (d. 974 H.)

[8]Referring to the book by Ibn Hajar Al-Haytamî Al-Makkî entitled "Tuhfat al-Muhtâj bi-Sharh al-Minhâj". For this discussion within that book, look to Vol. 9/268-270.

[9]The term "Dâr Islâm", or "Dâr al-Islâm", refers to the Islâmic State whereas the term "Dâr Kufr", or "Dâr Harb", refers to the lands of disbelief which do not have any type of covenant with the Islâmic State.

[10]This Hadîth was narrated by Ad-Dâraqutnî in his "Sunan", Al-Bayhaqî, Ar-Rûyânî in his "Musnad", and Adh-Dhiyâ' al-Maqdisî in "Al-Ahâdîth al-Mukhtârah", all from 'Â'ith ibn 'Amr al-Muzanî. It was also narrated by At-Tabarânî in "Al-Mu'jam as-Saghîr", and Al-Bayhaqî in "Dalâ'il an-Nubuwwah", both from 'Umar ibn al-Khattâb. A third narration was narrated by Nahshal in "Târîkh Wâsit" from Mu'âth ibn Jabal. All of these narrations are weak and defective, and are not strong enough to strengthen each other. There is a "Mawqûf" narration from Ibn 'Abbâs that is authentic to him, narrated by At-Tahâwî. All of these narrations have slight differences in wording or length of narration. [Look to "Irwâ' al-Ghalîl", Vol. 5/106, for a detailed discussion.]

And if it is Dâr Islâm, then it is obligatory and a duty upon the people of Islâm to rescue it from the hands of the disbelievers by fightingthem, besieging them and putting pressure upon them, by all means possible.

The second (ruling): The ruling of the one who moves to this existing country, which the people of Thimmah[11] have overtaken. So he is in disobedience, a Fâsiq (wicked sinner) who is committing a major sin from the major sins, (even) if he is dissatisfied with the disbelief and its rulings. But if he *is* satisfied with them, then he is a disbelieving apostate, upon whom the rulings of the apostates are to be implemented. And it must be considered that what caused this Muslim to move away from Dâr al-Islâm, which is free from disbelievers, to the land which the disbelievers have seized – while openly displaying their disbelief therein and subjugated those in it with their Tâghût-oriented, disbelieving laws – was nothing more than (their) deviation and love of this worldly life, which is the head of every sin.And also(love for) collecting its vanities, without paying any heed to the preservation of the religion along with an absence of anysense of honourconcerning the humiliation of the people of Tawhîd along with love for being near the enemies of Allâh instead of being near His allies. And we seek refuge in Allâh, تعالى. And Allâh says:

﴿فَلاَ تَقْعُدْ بَعْدَ الذِّكْرَى مَعَ الْقَوْمِ الظَّالِمِينَ﴾

﴾***Then after the remembrance sit not you in the company of those people who are the Thâlimîn****(oppressors)****.***﴿**(Al-An'am, 68)**

And He says:

﴿فَلاَ تَقْعُدُواْ مَعَهُمْ حَتَّى يَخُوضُواْ فِي حَدِيثٍ غَيْرِهِ إِنَّكُمْ إِذًا مِّثْلُهُمْ﴾

﴾***Then sit not with them, until they engage in a talk other than that;*** *(but if you stayed with them)* ***certainly in that case you would be like them.***﴿**(An-Nisâ', 140)**

So contemplate, His, عز وجل, statement: '*...**certainly in that case you would be like them**.*' And this is the ruling of the one who originally resided near them. So what do you think about the ruling of the one who made the effort of moving near to them? So how could his misguidance, and the corruption of his religion, be doubted? And refuge is with Allâh, تعالى. Ibn Hajar said in his"Al-Fatâwa Hadîthiyyah" at his, صلى الله عليه وسلم, statement: '*I disavow myself from every Muslim who resides amongst the polytheists.*' They said, 'Why, O Messenger of Allâh?' He said, *'The two fires should not see one another.'* – 'The Hadîth was narrated by Abû Dâwûd, At-Tirmithî, and An-Nasâ'î, and before them by Abû Bakr ibn Abî Shaybah,[12]with chains to Qays ibn Hâzim, the great Tâbi'î[13]. So from them are those who narrated it as Mursal[14]. And from them are those who narrated it as Musnad.[15]

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[11]**Thimmah:** the state of non-Muslim inhabitants within Dâr al-Islâm, who pay the tax in order to remain within that land.

[12]"Sunan Abî Dâwûd", Vol. 2/52 (#2,645), "Jâmi' at-Tirmithî", Vol. 4/155, and "As-Sunan al-Kubrâ", by An-Nasâ'î, Vol. 4/229 (#6,982)

Al-Bukhârî said, 'And the Mursal is more correct.'[16]And the meaning of the Hadîth is that it is necessary upon the Muslim to take his residence far from the domains of the polytheists, in other words, the Harbîs.[17] And he must not reside in an area where, if a fire were set there, it would glow and the fire, which they set in their home, would be seen. Because whenever the two fires can be seen, then he is considered from them. And it has been established that migration is obligatory from Dâr al-Harb, (as long as) its conditions (are present). And the attributing of the fires seeing one another is metaphorical coming from their (i.e. the Arabs) expression, 'My home looks at the home of so-and-so,' in other words, is across from it."[18]

And Ibn Hajar, may Allâh benefit us through him, was asked, about his,صلى الله عليه وسلم, statement: '*I disavow myself from every Muslim who resides amongst the polytheists.*' They said, "Why?' He said, '*Their two fires should not see one another.*'So he answered with his statement: 'This is the rationale for the mentioning of the sight (between the two fires) but the expression of the rationale was omitted. And the connecting point between the cause and the effect is that by him residing amongst them, there is an increase in their numbers.And likewise, if they were targeted by a raiding army, the sight of the Muslim's fires alongside their fires might (inadvertently) prevent them (i.e. the Muslim army). Because when the armies would meet, the Arabs would know its size by seeing the fires, as it took place when they sent (people) to see his, صلى الله عليه وسلم, army at Marr ath-Thahrân, [19]when he headed towards Makkah to conquer it. Since there is this great danger in the Muslims residing amongst the polytheists, which is the prevention of the Muslims from attacking them, or not instilling terror within them, disavowal was established towards the ones living amongst them, due to their being a cause for not waging Jihâd against them." – End quote.[20]

Thirdly, the ruling upon bringing wealth to this land, reviving it, and erecting buildings within it. So is this anything other than clear misguidance, great corruption and being satisfied with the deeds of the polytheists? (This is) because, what is obligatory, approved of, and relied upon in the Shar'a (i.e. law) – with the likes of these seized lands – is resistance by the people of the land (i.e. the Muslims) towards the disbelievers. And (likewise) upon those who are within the distance of shortening (of the prayer) from it (i.e. that land). And whoever is further than that (i.e. shorting distance), then it is upon him to unite with the people of that area, with whatever amount suffices, if its people are insufficient (in

[13]**Tâbi'î:** The companion of a companion of the Messenger of Allâh, صلى الله عليه وسلم. Some said he only needs to have seen him, while others stipulate he must have accompanied him and narrated from him. [Look to "Al-Bâ'ith al-Hathîth Sharh Ikhtisâr 'Ulûm al-Hadîth", Pg. 186.]

[14]**Mursal:** That which a Tâbi'î narrates from the Messenger of Allâh, صلى الله عليه وسلم, without mentioning the companion whom he heard it from. Some said it is not limited to the Tâbi'în, and others said it is only the major Tâbi'în; not the minor ones. [Look to "Al-Bâ'ith al-Hathîth Sharh Ikhtisâr 'Ulûm al-Hadîth", Pg. 45-47.]

[15]**Musnad:** Al-Hâkim said, "It is that of which the chain is connected up to the Messenger of Allâh, صلى الله عليه وسلم." [Look to "Al-Bâ'ith al-Hathîth Sharh Ikhtisâr 'Ulûm al-Hadîth", Pg. 42.]

[16] This ruling from Al-Bukhârî can be found in "Al-Badr al-Munîr", Vol. 9/163, "Al-'Ilal al-Kabîr", Vol. Pg. 264, and elsewhere.

[17]**Harbîs:** Citizens of Dâr al-Harb (i.e. those who are not in a state of treaty with Dâr al-Islâm)

[18] Look to "Al-Fatâwâ al-Hadîthiyyah" Pg. 205.

[19]**Marr ath-Thahrân:** A well-known valley which is sixteen miles outside of Makkah in the direction of Al-Madînah. Today it is known as the "Valley of Fâtimah".

[20]Look to "Al-Fatâwâ al-Hadîthiyyah" Pg. 204.

number). And whoever is less than the distance of shortening, this one takes the ruling of the person of that land. – (From) the phrasing of "Al-Minhâj", with its explanation: "At-Tuhfah":

"The second from the (two possible) situations of the disbelievers, is that they enter a land of ours, (so)it is a great calamity. Then it is upon its people to defend (themselves and their land) using whatever is possible from anything they have the ability to use. So if it is possible to prepare for fighting, then whatever is possible becomes obligatory; even upon the poor one, the child, the slave, the indebted one, and a woman who has strength. But if it is not possible to fight (collectively), then whoever from us who is targeted must defend himself with whatever he is able to. And whoever (resides in) less than the distance of shortening, from within the land – even if he is not from the people of Jihâd – he is like its people (i.e. the people of that land), in this specific obligation of fighting. And whoever (resides) at the aforementioned distance, or beyond it, and whoever is further than them acting in defence of them and rescuing them; if they find provisions, weapons or riding beasts, then it is upon them to unite with the amount (of support) which suffices, if its people are insufficient (in number)." – End quote.[21]

So if what is obligatory regarding the Muslims is to resist the aforementioned disbelievers and to rescue those who are in it (i.e. that land) from the Muslims, and remove them (i.e. the invading occupiers) from there by waging war, besieging and applying severe pressure – as Allâh ordered in His Book with His, عز من قائل, statement:

﴿فَاقْتُلُواْ الْمُشْرِكِينَ حَيْثُ وَجَدتُّمُوهُمْ وَخُذُوهُمْ وَاحْصُرُوهُمْ وَاقْعُدُواْ لَهُمْ كُلَّ مَرْصَدٍ﴾

﴾***Then kill the Mushrikîn****(polytheists)* ***wherever you find them, and capture them and besiege them, and prepare for them each and every ambush.***﴿**(At-Tawbah, 5)**– the verse...

And this (verse) is regarding the disbelievers in their own land, so what is the ruling of those who seized our land, crushed the essence of our (Muslim) community, and permitted our sanctities, except for that (i.e. killing, capturing, besieging them and ambushing them)? Rather, they are even more deserving, more obligatory, and more befitting for that. So whoever makes the journey, draws together the ships and the cargo to this state and carries provisions andfabrics and replenishes its markets with stock and its roads with comings-and-goings, and erects buildings within it, and builds structures therein, then he has contradicted the Sharî'ah of Muhammad and thrown away the divine covenants and has become satisfied with the rulings of Jâhiliyyah (pre-Islâmic ignorance).

﴿أَفَغَيْرَ دِينِ اللّهِ يَبْغُونَ وَلَهُ أَسْلَمَ مَن فِي السَّمَاوَاتِ وَالأَرْضِ طَوْعًا وَكَرْهًا وَإِلَيْهِ يُرْجَعُونَ﴾

﴾***Do they seek other than the religion of Allâh, while to Him submitted all creatures in the heavens and the earth, willingly or unwillingly. And to Him shall they all be returned.***﴿**(Âl-'Imrân, 83)**

This, plus the outward appearancefrom the text of the Qur'ân, which are the definitive evidences, is the absence of faith for the one who forms allegiances with the disbelievers and allies himself to them in his matters instead of the Muslims; those who are supporters of the religion.And he is the one who is

[21]"Tuhfat al-Muhtâj bi-Sharh al-Minhâj", Vol. 9/235-236. The quote is not verbatim, as it is condensed from nearly two pages.

accountable for that – he who left Dâr al-Islâm, which was free from the disbelievers and traveled to a state, which wasconquered by disbelief and its leaders. He, تعالى, said:

﴿لَا تَجِدُ قَوْمًا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ يُوَادُّونَ مَنْ حَادَّ اللَّهَ وَرَسُولَهُ وَلَوْ كَانُوا آبَاءهُمْ ...﴾

﴿***You will not find any people who believe in Allâh and the Last Day, making friendship with those who oppose Allâh and His Messenger, even though they were their fathers...***﴾**(Al-Mujâdilah, 22)**– theverse...

And He, تعالى, said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَتَّخِذُوا عَدُوِّي وَعَدُوَّكُمْ أَوْلِيَاء تُلْقُونَ إِلَيْهِم بِالْمَوَدَّةِ وَقَدْ كَفَرُوا بِمَا جَاءكُم مِّنَ الْحَقِّ...﴾

﴿***O you who believe! Take not My enemies and your enemies*** *(i.e. disbelievers and polytheists, etc.)* ***as Awliyâ'*** *(friends, protectors, helpers, etc.)****, showing affection towards them, while they have disbelieved in what has come to you of the truth...***﴾**(Al-Mumtahinah, 1)**– theverse...

And He, تعالى, said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الْيَهُودَ وَالنَّصَارَى أَوْلِيَاء بَعْضُهُمْ أَوْلِيَاء بَعْضٍ وَمَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ...﴾

﴿***O you who believe! Take not the Jews and the Christians as Awliyâ'****(friends, protectors, helpers, etc.)****, they are but Awliyâ' to one another. And if any amongst you takes them as Awliyâ', then surely he is one of them...***﴾**(Al-Mâ'idah, 51)**– theverse...

And He, تعالى, said:

﴿إِنَّمَا وَلِيُّكُمُ اللّهُ وَرَسُولُهُ وَالَّذِينَ آمَنُواْ...﴾

﴿***Verily, your Walî*** *(Protector or Helper)* ***is Allâh, His Messenger, and the believers...***﴾**(Al-Mâ'idah, 55)** – theverse...

And He, تعالى, said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ الَّذِينَ اتَّخَذُواْ دِينَكُمْ هُزُوًا وَلَعِبًا مِّنَ الَّذِينَ أُوتُواْ الْكِتَابَ مِن قَبْلِكُمْ وَالْكُفَّارَ أَوْلِيَاء وَاتَّقُواْ اللّهَ إِن كُنتُم مُّؤْمِنِينَ﴾

﴿***O you who believe! Take not for Awliyâ'****(protectors and helpers)* ***those who take your religion for a mockery and fun from among those who received the Scripture*** *(Jews and Christians)* ***before you, nor from among the disbelievers; and fear Allâh if you indeed are true believers.***﴾ **(Al-Mâ'idah, 57)**– theverse...

And to other than these, from the noble verses, which eloquently declare the absence of faith, and the wickedness of those mentioned,and the announcement to them that theyare from them (i.e. a

disbelievers), from those who love the disbelievers. And is there any clarification after the clarification of Allâh, تعالى, or any ruling after His ruling? He, تعالى, said:

﴿وَمَنْ أَحْسَنُ مِنَ اللّهِ حُكْمًا...﴾

﴾***And who is better in judgement than Allâh...***﴿**(Al-Mâ'idah, 50)**– theverse...

And the love of our master, Hâtib ibn Abî Balta'ah, which (the Sûrah) Al-Mumtahinah was revealed for, was nothing except for (him sending) the letter, which he wrote to the people of Makkah informingthem of the Messenger of Allâh, صلى الله عليه وسلم, heading towards (them), despite the fact that he did not do so out of apostasy, nor out of being satisfied with disbelief after Islâm. [22]And he was a participant at (the Battle of) Badr, according to agreement (of the scholars), yet that which was heard (i.e. those verses) were revealed for him. And He, سبحانه, based the deterrent of allegiance to them, upon the fact that they disbelieved in what came to us from the truth. And is there any disbelief greater than the disbelief of the Ifranj? [23] And Ibn Sirîn was once asked about a man who sells his home to a Christian who takes it as a monastery. So he recited:

﴿وَمَن يَتَوَلَّهُم مِّنكُمْ فَإِنَّهُ مِنْهُمْ﴾

﴾***And if any amongst you takes them as Awliyâ', then surely he is one of them.***﴿ **(Al-Mâ'idah, 51)**– theverse...

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[22]Al-Bukhârînarrated in his "Sahîh", (#4,890), From Alî, رضي الله عنه, be pleased with him, who said, 'The Messenger of Allâh,صلى الله عليه وسلم, sent me, Az-Zubayr and Al-Miqdâd somewhere saying, '*Proceedtill you reach Rawdhat Khâkh. There you will find a lady with a letter. Take the letter from her.*' So, we set out and our horses ran at full pace till we got at Ar-Rawda where we found the lady and said (to her), 'Take out the letter.' She replied, 'I have no letter with me.' We said, 'Either you take out the letter or else we will take off your clothes.' So, she took it out of her braid. We brought the letter to the Prophet, صلى الله عليه وسلم, and it contained a statement from Hâtib ibn Abî Balta'ah to some of the people of the polytheists of Makkah informing them of some of the plans of the Prophet, صلى الله عليه وسلم. So the Prophet,صلى الله عليه وسلم, said, '*O Hâtib, what is this?*' Hâtib replied, 'O Messenger of Allâh, do not rush to judgment in my case. I was a man closely connected with the Quraysh, but I did not belong to their tribe,while the other emigrants with you, had their relatives in Makkah who would protect their families and wealth in Makkah. So, I wanted to recompense for my lacking blood relation to them by doing them a favour so that they might protect my relatives. I did not do that, while disbelieving nor while apostating from my religion.'

And in a narration of Muslim: "And I did not do so while disbelieving, nor while apostating, nor while being pleased with disbelief (Kufr) after Islâm."

So the Prophet,صلى الله عليه وسلم, said, '*Verily, he has told you the truth.*' Then Umar said, O Messenger of Allâh, permit me to strike his neck." So he (i.e. the Prophet,صلى الله عليه وسلم) said, '*Verily, he participated at Badr. And what informs you? Perhaps Allâh, عز وجل, looked upon the people of Badr and said, 'Do as you wish, for I have forgiven you.*" Amr said, 'And for him, was revealed: ***O you who believe! Take not My enemies and your enemies as friends (Awliyâ')...***(Al-Mumtahinah, 1)

[23]**Ifranj:** Literally "the Franks" and this was the name given to the people of Western Europe, due to their dominant presence amongst the Crusaders.

So then what about the ruling of the one who forms allegiances with them by bringing provisions, stock and wealth, which strengthens them and cements their force against Islâm? And he who becomes subjugated to their dominance and becomes lowly to their strength and submits to their rulings; so how could he be labelled with the title of faith and Islâm, after that, while he has surrendered to the rulings of disbelief?

﴿أَيَبْتَغُونَ عِندَهُمُ الْعِزَّةَ فَإِنَّ العِزَّةَ لِلّهِ جَمِيعًا﴾

﴿***Do they seek honour, power and glory with them? Verily, then to Allâh belongs all honour, power and glory.***﴾ **(An-Nisâ', 139)**

And there is no power, nor strength, except with Allâh – al-'Alî(the High), al-'Athîm (the Great). And He, تعالى, said:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ لاَ تَتَّخِذُواْ بِطَانَةً مِّن دُونِكُمْ لاَ يَأْلُونَكُمْ خَبَالاً وَدُّواْ مَا عَنِتُّمْ قَدْ بَدَتِ الْبَغْضَاء مِنْ أَفْوَاهِهِمْ...﴾

﴿***O you who believe! Take not as*** *(your)* ***Bitânah*** *(advisors, consultants, protectors, helpers, friends, etc.)* ***those outside your religion*** *(pagans, Jews, Christians, and hypocrites)* ***since they will not fail to do their best to corrupt you. They desire to harm you severely. Hatred has already appeared from their mouths...***﴾ **(Âl-'Imrân, 118)**– theverse...

So the advisors are those who enter upon them, and the close friends, which you trust to take as scribes, guards, treasurers and confidants and other than these from the categories of advisors. He, سبحانه, based the forbiddance of that upon the fact that they love for us to be under hardship, while the hatred has become evident from their mouths and that which they hide within their chests is even greater. So they must never be honoured, after Allâh has humiliated them, and they must never be drawn near after Allâh has distanced them, as 'Umar ibn al-Khattâb, رضي الله عنه, said.[24]

Because the end result of the Qur'ân is to boycott the disbelievers from every aspect and opposing them from every condition, so that there remains no ties between them and us whatsoever. And Allâh knows best.

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[24]This narration from 'Umar ibn al-Khattâb, رضي الله عنه, was narrated by Al-Bayhaqî in "As-Sunan al-Kubrâ", Vol. 10/127 (#20,196) from 'Iyâdh ibn Ghanam al-Ash'arî, that Abû Mûsâ al-Ash'arî travelled to 'Umar ibn al-Khattâb, رضي الله عنهما, while he had a Christian scribe with him. So 'Umar was amazed by what he saw from his memorization, so he said, 'Tell your scribe to read a letter for us.' He said, 'He is a Christian who may not enter the Masjid.' So 'Umar reprimanded him and caused him to be worried, and said, "Do not honour them, while Allâh has disgraced them. And do not bring them close, while Allâh has distanced them. And do not trust them while Allâh, عز وجل, has declared them to be treacherous." He also narrated a second longer narration, in which 'Umar, رضي الله عنه, recited the 51st verse from Sûrat al-Mâ'idah. Al-Albânî declared the first narration "Sahîh", and the second "Hasan". [Look to "Irwâ' al-Ghalîl Fî Takhrîj Ahâdîth Manâr as-Sabîl", Vol. 8/255-256, (#2630)]

THE SECOND QUESTION:

[The Muslim Who Claims to be From the Community of the Christians and Identifies Himself with Their Flags etc.]

The questioner asks: "And likewise there are a people from the Muslims within the countries of Islâm who claim that they are from the 'subjects of the Christians' [25] and they are satisfied with that and happy with it. So what do you say about their faith? And in general, they place banners upon their ships and they are called 'flags', such as the flags of the Christians as a means for them to show that they are from their subjects."

The Answer to the Second Question:

The answer – and Allâh,سبحانه وتعالى – is the One responsible for preserving the religion of Islâm for us:

Those people have had the love of the Christians fill their hearts and they reflect upon the greatness of their wealth and their strengthand they noticed the abundance of worldly things in their hands – which is their share from this worldly life and the hereafter – and they had their sights shortened to (merely) building up this worldly life and collecting it (i.e. wealth etc.) and that the Christians are more suitedto preserve it and safeguard it. So if those aforementioned people are ignorant ones who believe in the exalted nature of the religion of Islâm and its highness over the rest of the religions, and that its rulings are the most befitting rulings, and in their hearts there is no glorification of disbelief and its leaders along with that, then they remain upon the rulings of Islâm.However, they are sinful ones who are committing dangerous things, due to which they are to be punished, disciplined and given an exemplary form of punishment. But if they are knowledgeable regarding the rulings of Islâm, yet despite that they performed what was previously mentioned, then they are to be given the opportunity to repent (i.e. return to Islâm). Then if they turn back from that (action), repenting to Allâh, تعالى, (they are left alone),otherwise they leave (Islâm). So if they believe in the glorification of disbelief, then they have apostated, and the rulings of the apostates are to be implemented upon them. And the outward appearance of the verses and the Hadîth, is the absence of faith for those mentioned. He, تعالى, said:

﴿اللّهُ وَلِيُّ الَّذِينَ آمَنُواْ يُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّوُرِ وَالَّذِينَ كَفَرُواْ أَوْلِيَآؤُهُمُ الطَّاغُوتُ يُخْرِجُونَهُم مِّنَ النُّورِ إِلَى الظُّلُمَاتِ﴾

[25] In his review of this translation, Shaykh Anwar al-Awlaki, may Allâh preserve him, explained: "Subjects of the Christians: This would be referring to people from Aden referring to themselves as British subjects and who would raise the British flag on their ships. Again 'Christians' is the term used by Yemeni's to refer to all Europeans."

﴾***Allâh is the Walî*** *(Protector or Guardian)* ***of those who believe. He brings them out from darkness into light. But as for those who disbelieve, their Awliyâ'****(supporters and helpers)* ***are Tâghût*** *[false deities and false leaders, etc.]****, they bring them out from light into darkness.***﴿**(Al-Baqarah, 257)**

So the verse necessitates that the people are two categories; those who believed – their ally is Allâh, تعالى – in other words, none other than Him. So they have no Helper besides Allâh and His Messenger. Allâh is our Helper and you have no Helper![26] And those who disbelieved – their alliesare the Tâghût. Therefore, there is no middle (ground).So whoever takes the Tâghût as an ally, instead of Allâh, then he has lost, with a clear loss, and performed a grievous error. So there is nothing but the ally of Allâh or the ally of the Tâghût. So there is no overlapping in any point, from the points, whatsoever, as the verse necessitates.

And He, تعالى, said:

﴿فَلاَ وَرَبِّكَ لاَ يُؤْمِنُونَ حَتَّىَ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لاَ يَجِدُواْ فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُواْ تَسْلِيمًا﴾

﴾***But no, by your Lord, they can have no Faith, until they make you*** *(O Muhammad)* ***judge in all disputes between them, and find in themselves no resistance against your decisions, and accept*** *(them)* ***with full submission.***﴿**(An-Nisâ', 65)**

And Allâh has judged that we must never form allegiances with the disbelievers in any way. So whoever contradicts that which He has judged, then how could he have faith, while Allâh has negated his faith, and affirmed the negation in the strongest terms, and swore an oath upon that? So understand that.

And Abû Dâwûd narrated from Ibn 'Umar, رضي الله عنهما, [27]and At-Tabarânî in "Al-Awsat", [28]from Huthayfah,رضي الله عنه: '*Whoever imitates a people, then he is from them.*' So the Hadîth is a deterrent from imitating the disbelievers. (This includes) whoever raises banners and other than that, from the means of imitating, such as the type of clothing, walking, moving or remaining still. Because the Prophet, صلى الله عليه وسلم, contradicted the Jews and ordered us to contradict them in everything they do. And likewise (to contradict) the Majûs (Magians) and the Christians in their outward religious symbols, clothing, celebrations, fasting, and all of their descriptions, in order to be different from them and to dissatisfy them. And due to his, عليه الصلاة والسلام's, statement: '*Do not be illuminated by the fire of the Polytheists.*'[29]And the forbiddance of living with them, learning their writing, joining with them in their celebrations and their gathering areas, learning their gibberish and other than that, was narrated from

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[26]Referring to the statement of the Messenger of Allâh, صلى الله عليه وسلم, on the day the Muslims were defeated in the Battle of Uhud, when the polytheists shouted to them: "Al-'Uzza (i.e. an idol) is ours but you have no 'Uzza." And the Prophet, صلى الله عليه وسلم, said: "*Why do you not reply?*" But the companions asked: "O Messenger of Allâh, what shall we say?" He, صلى الله عليه وسلم, said: "*Say: 'Allâh is our Helper, but you have no Helper!*" – Narrated by Al-Bukhârî in his "Sahîh", (#3,039) and (#4,043), from Al-Barâ' ibn 'Âzib.

[27]"Sunan Abî Dâwûd", Vol. 2/441, (#4,031)

[28]"Al-Mu'jam al-Awsat", Vol. 8/179, (#8,327)

[29]This Hadîth was narrated by Ahmad in his "Musnad" and An-Nasâ'î in "As-Sunan al-Kubrâ", from Anas ibn Mâlik. It was declared "Dha'îf" by Al-Albânî in "Dha'îf an-Nasâ'î", (#5,224) and "Dha'îf al-Jâmi' as-Saghîr", (#6,227)

our master, ‘Umar Ibn al-Khattâb, رضي الله عنه. [30]So whoever imitates them, out of love for them, and becomes satisfied with their disbelief, then he is a disbeliever. And whoever does so, while heedless of this intention, then he has imitated them in their matters of Jâhiliyyah, and there is a characteristic from their characteristics within him. (And) repentance(i.e. returning to Islâm) is necessary for him along with the established conditions of repentance in such a situation. Ibn Taymiyyah said, “The Hadîth: ‘*Whoever imitates a people, then he is from them*,’ the least of its conditions is that it necessitates the forbiddance of imitating them even if its outward appearance necessitates the disbelief of the one imitating,as in His, تعالى, statement:

﴿وَمَن يَتَوَلَّهُم مِّنكُمْ﴾

﴿***And if any amongst you takes them as Awliyâ’, then surely he is one of them.***﴾**(Al-Mâ’idah, 51)**

And it is equivalent to the statement of Ibn ‘Umar:[31]‘Whoever builds in the lands of the Polytheists, participates in their Nayrûz (festival),[32] and their Mahrajân (festival),[33] or imitates them until he dies, then he will be raised up with them on the Day of Resurrection.’[34]So this has beenunderstoodas referring to the complete imitation, as doing so necessitates disbelief and necessitates the forbiddance of (any)of its (individual) components. Or it could be understood (as referring to) whatever amount he took part in imitated them. So if it is disbelief, disobedience or an outward religious symbol, then his ruling is likewise (one of these three categories).” – end quote.[35]

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[30]From ‘Umar, رضي الله عنه, that he said, “Do not learn the gibberish of the non-Arabs. And do not enter upon the polytheists in their churches on the day of their celebration, as the Anger (of Allâh) descends upon them.” – Narrated by ‘Abd Ar-Razzâq in “Al-Musannaf”, (#1,609), and Al-Bayhaqî in “As-Sunan al-Kubrâ”, Vol. 9/234 (#18,640). This narration was declared “Sahîh” by Ibn Taymiyyah in “Iqtidhâ’ as-Sirât al-Mustaqîm”, Vol. 1/511, and in “Majmû’ al-Fatâwâ”, Vol. 25/173-174, by “Ibn Al-Qayyim in “Ahkâm Ahl ath-Thimmah”, Vol. 3/1247, by Ibn Muflih in “Al-Âdâb ash-Shar’iyyah”, Vol. 3/417 and by Ibn Kathîr in “Musnad al-Fârûq”, Vol. 2/494.

[31] In the actual quote from Ibn Taymiyyah, it states ‘Abd Allâh ibn ‘Amr, and elsewhere in the book, it states ‘Abd Allâh ibn ‘Amr ibn al-‘Âs.

[32]**Nayrûz**: The Arabic pronunciation of Nawrûz, which is a celebration of the Majûs (Magians), which takes place on the Spring Equinox, and marks the beginning of their New Year.

[33]**Mahrajân:** The second festival of the Majûs (Magians) after Nayrûz. It is six days long, and it culminates on the sixth day of their month of “Mahr”. Look to “Mu’jam al-Manâhî al-Lafthiyyah”, Pg. 533, by Shaykh Bakr ibn ‘Abd Allâh Abû Zayd, may Allâh be merciful to him.

[34]On page 233, Ibn Taymiyyah mentioned this narration, with the word “A’âjim” (non-Arabs) instead of “Mushrikîn (polytheists)”. He also mentioned that it was narrated by Al-Bayhaqî and authenticated its chain of narration.

[35] Look to “Iqtidhâ’ as-Sirât al-Mustaqîm”, Pg. 116.

THE THIRD QUESTION:

[The Ruling Upon the Muslim Who Attributes Justice to the Christians and Approves of Their Authority and Scoffs at the Muslim Authority and their Leadership]

The questioner asked: "And what do you say regarding those who praise them and say that they are people of justice who love justice and along with this, he frequently praises them in the sittings and he scoffs at anyone mentioning Muslims being in authority and he attributes justice to the disbelievers and the absence of any transgression (on their part)?"

The Answer to the Third Question:

The answer: As for the ruling upon the one who praises them, then he is a disobeying transgressor, who is committing a major sin. Repentance is obligatory upon him from that (sin) as well as regret, because of it. This is if his praise was only for the disbelievers themselves without mentioning the characteristic of disbelief, which is within them. But if he did praise them regarding the characteristic of disbelief, then he is a disbeliever, because it is as if he praised the disbelief (itself), which all of the legislations have made blameworthy. And the Messenger of Allâh,صلى الله عليه وسلم, warned against a Muslim praising something the individual is not aware of, as he, عليه الصلاة والسلام, said when he heard a group of people praising an individual: '*You have severed the man's neck,*'in other words: *'destroyed him*.'[36] As for (generally) praising justice, which would include endorsement of the one who is before a judge, or in relating his description (i.e. "He is a just man."), then it is permitted; furthermore, it could (even) be obligatory. But (generally), the Muslim praising a transgressor is a (form of) disobedience, due to the Hadîth: "*If the oppressor is praised, Allâh, عز وجل, becomes angry.*" So if that is regarding the minor oppression (i.e. cruelty etc.), then what do you think about the major oppression (i.e. disbelief and polytheism)?

And in a Hadîth, which was narrated by Abû Ya'lâ and Al-Bayhaqî, [37]from Anas, and Ibn 'Adî [38]– from Buraydah: "*If the transgressor is praised, the Lord becomes angry and the Throne shakes, due to that.*" And the outcome is that praising the disbelievers, due to their disbelief (itself), is (considered) apostasy from Islâm, but praising them without this intention is a major sin; the one who commits it is to be disciplined with whatever would be a deterrent for him. As for the one who says that they are a people of justice, then if by 'justice' he means the matters of disbelief, which includes their rules of law, then he

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[36]This Hadîth was narrated by Al-Bukhârî in his "Sahîh", (#2,663) and (#6,060), as well as Muslim in his "Sahîh", (#3,001). The phrase they narrated was "*You have destroyed*,' – or (the narrator speculated): '*severedthe man's back.*" – Both from Abû Mûsâ al-Ash'arî.

[37]Al-Bayhaqî in "Al-Jâmi' li-Shu'ab al-Îmân", Vol. 6/511 (#4,544). Al-Albânî mentioned that he did not find it in "Musnad Abî Ya'lâ", and that it must be in his "Al-Musnad al-Kabîr", as Ibn Hajar attributed it to there in "Al-Matâlib al-'Âliyah", Vol. 3/3. This Hadîth was declared "Munkar" by Al-Albânî in "Silsilat al-Ahâdîth adh-Dha'îfah", (#595) and "Mawdhû'" by him as well, (#1,399).

[38]Ibn 'Adî narrated it in "Al-Kâmil Fidh-Dhu'afâ'", Vol. 5/1917, but without mention of 'the Throne'. This Hadîth was declared "Dha'îf" by Al-Albânî in "Dha'îf al-Jâmi as-Saghîr", (#694). He also indicated this in "Silsilat al-Ahâdîth adh-Dha'îfah", (#1,399).

has disbelieved.And Allâh, سبحانه وتعالى,has reprimanded that, vilified it, called it 'tyranny', 'stubbornness', 'transgression', 'a clear lie and sin', 'a clear loss', and 'a falsehood'. And the justice is only the Sharî'ah of Allâh, which He compiled within His Book and the Sunnah of His Prophet, as Allâh orders justice. So if the rulings of the Christians were (considered) 'just', then they (i.e. those rulings) would have been commanded(to be implemented), and that would have necessitated (that Islâm was) contradictory and in opposition (to itself) regarding its refutation of the Christians. He, تعالى, said:

﴿أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ مِنَ اللّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ﴾

﴿***Do they then seek the judgement of*** *(the Days of)* ***Ignorance? And who is better in judgement than Allâh for a people who have firm Faith.***﴾**(Al-Mâ'idah, 50)**[39]

So the ruling of Allâh,عز وجل, is the best justice and nothing else is. So how could it (i.e. the characteristic of justice) be for the rule of the Christians, because every (form of) justice is good.Therefore, the claim of those mentioned, becomes invalid. And He, تعالى, said:

﴿يُرِيدُونَ أَن يَتَحَاكَمُواْ إِلَى الطَّاغُوتِ وَقَدْ أُمِرُواْ أَن يَكْفُرُواْ بِهِ﴾

﴿***They wish to go for judgement*** *(in their disputes)* ***to the Tâghût*** *(false judges, etc.)* ***while they have been ordered to reject them.***﴾ **(An-Nisâ', 60)**[40]

So those ones labelled what Allâh, تعالى, ordered them to disbelieve in, as 'justice', so they have exceeded in their misguidance. And the Shaytân wants to lead them far astray into misguidance. But if he meant by that (i.e. 'justice') the metaphorical justice, which is the building up of this worldly life by abandoning oppression, which destroys this worldly life, then disbelief is not necessitated by that. But he should be discouraged from that (expression), with a great deterrent. As for what is narrated from him, عليه السلام: '*I was born during the reign of the just one,Anû Shirwân.*' [41]then he, عليه السلام, meant by that, the metaphorical justice. Especially when the King who was mentioned, was during a time of Fatrah, [42] as is

[39]In our manuscript of "As-Sayf al-Battâr", by 'Abd Allâh al-Ahdal, the verse is referred to as Al-Mâ'idah, 55 whereas it is actually verse #50, so we changed the reference above to reflect that.

[40] Similarly, in our manuscript, this verse was referred to as Al-Mâ'idah, 60 whereas it is actually Sûrat an-Nisâ', 60. So we changed the reference above to reflect that.

[41]This is the Kisrâ the First or Khosrau the First. He was known as "Anushiravan the Just". Al-Bayhaqî stated, referring to Al-Hulaymî: "And he spoke about the falseness of that which some of the ignorant ones narrated from our Prophet, صلى الله عليه وسلم, '*I was born in the time of the just king*,' meaning, Anû Shirwân. And our Shaykh Abû 'Abd Allâh al-Hâfith also spoke about the falseness of this Hadîth. Then some of the righteous ones saw the Messenger of Allâh, صلى الله عليه وسلم, while sleeping, so he told him that which Abû 'Abd Allâh, so he declared him truthful in declaring this Hadîth to be a lie and to be false, and he said, 'I did not say this at all.'" [Look to "Al-Jâmi' li-Shu'ab al-Îmân", Vol. 7/167.] And Al-Albânî mentioned that it is: "False. It has no origin." [Look to "Silsilat al-Ahâdîth adh-Dha'îfah", (#2,095)]

[42]**Fatrah**: The period of time between the passing away of one Messenger to the arrival of the next one.

well-known. Along with the fact that the aforementioned Hadîth has no origin, as Ibn Hajar mentioned in 'An-Ni'mah al-Kubrâ.'[43]

He said: "And labelling him with 'the Just One', assuming its narration (was even authentic), was to describe him with the title, which he was called by; not to testify to that (quality) on his behalf, as he used to rule by other than the rule of Allâh."

"As-Sakhâwî said, 'The aforementioned Hadîth was fabricated, and had it been authentic, then there would be no problem in his labelling him with justice, as he was not a tyrannical ruler over his subjects, nor did he used to oppress them in the rights of this worldly life. So his 'justice' in regards to that does not negatehis disbelief and his oppression towards himself, through his ignorance. And Allâh knows best."– End quote. [44]

As for the one who belittles the Sultân, then sufficient for him as an admonition and a deterrent is the Hadîth: "*Verily, the Sultân is only the shade of Allâh and His spear on the Earth.*" – Narrated by Al-Bayhaqî from Anas. [45]And the Hadîth: "*The Sultân is the shade of Allâh on His Earth, so whoever honours him, Allâh will honour him. And whoever belittles him, then Allâh will belittle him.*" – Narrated by At-Tabarânî and Al-Bayhaqî from Abû Bakrah. [46]And the Hadîth: "*The Sultân is the shade of Allâh upon the Earth. Every oppressed one from His slaves seeks refuge with him. So if he is just, he has the rewards and it is upon the subjects to be grateful. And if he is tyrannical or persecutes (others), then the burden is upon himself and it is upon the subjects to be patient.*" – Narrated by Al-Hakîm and Al-Bazzâr from Ibn 'Umar. [47]And the Hadîth: "*The Sultân is the shade of Allâh upon the Earth. The weak one seeks refuge with him and through him the oppressed one seeks assistance. And whoever honours the Sultân of Allâh in this worldly life, Allâh will honour him on the Day of Resurrection.*" – Narrated by Al-Bukhârî from Abû Hurayrah. [48]And there are others besides these from the numerous Hadîth and narrations concerning the virtues of the Sultân, having love for him and forbidding the slandering of him.

And entire books have been written specifically about that, so whoever belittles the Sultân and raises the status of disbelief and its leaders, Allâh will belittle him.

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[43]Referring to the book "Itmâm an-Ni'matul-Kubrâ 'Alal-Âlam Bi-Mawlidi Sayyidi Waladi Âdam"

[44]Look to "Al-Maqâsid al-Hasanah Fî Bayâni Kathîrin Min al-Ahâdîth al-Mushtaharah", (#531) and (#532).

[45]Narrated by Al-Bayhaqî in "As-Sunan al-Kubrâ", Vol. 8/162 (#16,427), in "Al-Jâmi' li-Shu'ab al-Îmân", Vol. 9/480 (#6,990). It was declared "Dha'îf" by As-Sakhâwî in "Al-Maqâsid al-Hasanah", (#132), and Al-Albânî in "Silsilat al-Ahâdîth adh-Dha'îfah", (#2,504)

[46]Narrated by Al-Bayhaqî in "Al-Jâmi' li-Shu'ab al-Îmân", Vol. 9/478-479 (#6,988). Also narrated by Ibn Abî 'Âsim in "Kitâb as-Sunnah", (#1,049). It was declared "Dha'îf" by Al-Albânî in "Silsilat al-Ahâdîth adh-Dha'îfah", (#1,662) and in "Dha'îf al-Jâmi' as-Saghîr", (#3,350). The last sentence of the Hadîth is was declared "Hasan" due to its strengthening factors, as was mentioned by Al-Albânî in "Silsilat al-Ahâdîth as-Sahîhah", (#2,297)

[47]Referring to Al-Hakîm at-Tirmithî in "Nawâdir al-Usûl Min Ahâdîth ar-Rasûl", under "The 275th Fundamental". It was also narrated by Ibn 'Adî in "Al-Kâmil Fidh-Dhu'afâ'", Vol. 1/175, and others. It was declared rejected by Ibn 'Adî in "Al-Kâmil Fidh-Dhu'afâ'", Vol. 1/175, al-Bayhaqî in "al-Jâmi' Li-Shu'ab al-Îmân", Vol. 9/475-476 (#6,984), Ibn al-Qaysarânî in "Thakhîrat al-Huffâth", Vol. 3/1492, al-Hâfith al-'Irâqî in his verification of "Ihyâ' 'Ulûm ad-Dîn", Vol. 4/121, and many others.

[48]Narrated by Abû Muhammad ibn Yûsuf, Vol. 1/143. It was declared "Dha'îf" by al-Albânî in "Silsilat al-Ahâdîth adh-Dha'îfah", (#1,663) and in "Dha'îf al-Jâmi' as-Saghîr", (#3,352).

﴿وَمَن يُهِنِ اللَّهُ فَمَا لَهُ مِن مُّكْرِمٍ﴾

﴾***And whomsoever Allâh disgraces, none can honour him.***﴿**(Al-Hajj, 18)**

So if he belittles the Sultân, due to his (i.e. the Sultân's) preserving Islâm and praises the Christians due to their preserving disbelief, then he disbelieves and he has become an apostate.But if he praises (them) due to their preservation of this worldly life,rectifying it, and protecting the subjects from wrong-doings and spending money to establish the worldly systems and the honour of the subjects (of their state). So if he attributes shortcomings to the Sultân,but to the Christians (he attributes) the establishment of all of that, then the one referred to as the praiser, is from those who have been overcome by the love of this current, worldly abode instead of the afterlife. And his heart has been filled with love of thevanities of this world, and his objective deviated far from holding the nature of Islâm in high regard. So he has become deceived by his worldly life and he has been thrown into trials by his love of this current, worldly abode.

﴿مَن كَانَ يُرِيدُ حَرْثَ الْآخِرَةِ نَزِدْ لَهُ فِي حَرْثِهِ وَمَن كَانَ يُرِيدُ حَرْثَ الدُّنْيَا نُؤْتِهِ مِنْهَا وَمَا لَهُ فِي الْآخِرَةِ مِن نَّصِيبٍ﴾

﴾***Whosoever desires*** *(with his deeds)* ***the reward of the Hereafter, We give him increase in his reward, and whosoever desires the reward of this world*** *(with his deeds)****, We give him thereof*** *(what is written for him)****, and he has no portion in the Hereafter.***﴿**(Ash-Shûrâ, 20)**

So the aforementioned 'deceived one' did not realize – because of his ignorance, his foolishness, his dimness and his stupidity – that the preservation of this worldly life, which took place for the Christian subjects, resulted in the loss of multiple shares of his religion. Rather, it could have even taken him to the eradication of his entire religion. Because, due to the intermingling with the aforementioned disbelievers, he became blinded by their misguided temptations and personal interactions with one another. So he participated in usury and witnessed (the consumption of) alcohol and pork and he heard 'the third of three' (i.e. the false belief in the Trinity of the Christians) and became negligent regarding the prayers in order to fit in. And he saw fornication and overheard vulgarity and he persisted in that until he became accustomed to it.And it reached the point where he no longer objects to it at all, and possibly after lengthy persistence, he would even believe in its permissibility, due to the overwhelming ignorance. So he was denied his religion by the way in which he achieved his worldly life (i.e. the benefits). This is because, this worldly life and the hereafter are (like) two co-wives who harm each other and don't get along with each other, and the Sultân is the shade of Allâh upon His Earth. So in any case, he (i.e. the Sultân) is to be appreciated and left alone, and Allâh, سبحانه, will support the religion through him. And if he is a wicked man, then his wickedness is (limited) to himself. As for the Sultân of this time, then he – praise be to Allâh – is a wrath against the disbelievers. May Al-Malik(The King, i.e. Allâh),Al-Jabbâr, (The Irresistible; The Compeller, i.e. Allâh)grant him victory.

Âmîn.

And in “Ar-Rawdhah an-Nawawiyyah” in the chapter of Apostasy, we find what was phrased as: “And if a children’s teacher said, ‘The Jews are better than the Muslims by far, because they fulfil the rights of their children’s teachers,’ he disbelieves.” – End Quote.[49]

[49]“Rawdhat at-Tâlibîn”, Vol. 7/288

THE FOURTH QUESTION:

[The Ruling Upon the Muslim Who Ships Goods and Supplies to the Christian Lands and the Ruling Upon Another Muslim Who Kills Him for Doing That]

The questioner asks: "And what is your opinion regarding the one who transports goods or food to the countries of the Christians and a Muslim objects or forbids him, but he does not stop? If he kills him, or takes his wealth, is his blood lawful and his wealth permitted, or not? And the intention of the killer is to destroy the states of the disbelievers and the intention of the murdered, is to revive them with what he sends to them. And what is the ruling of this transgressor(i.e. the one transporting the goods) if he is killed? Is he a martyr, or not? And what is the ruling of those who assist them in that from the Muslims?"

Answer to the Fourth Question:

The Answer: The country of the Christians cannot be except (the first scenario): it was either originally in their hands, such as the land of Ash-Shâm, and Iraq, which was in the hands of the disbelievers during the time of the Prophet, صلى الله عليه وسلم. So there is no ambiguity regarding the permissibility of transporting goods,such as food and other than that, to them. And the permissibility of trade within their countries and the permissibility of interacting with them (is likewise clearly permissible),because that (i.e. trade etc.) is from the necessities of living and the need calls for that. So the Legislator (i.e. Allâh) permitted that, due to the need. This is because, the Sahâbah,رضي الله عنهم, used to enter the land of polytheism for (the purpose of) interactions (i.e. business dealings etc.) and the Prophet, صلى الله عليه وسلم, entered as a (trade)speculator on behalf of (his future wife,) Khadîjah,رضي الله عنها. So the likes of that are not to be condemned for the one who does so. And he must not be challenged at all, and whoever intercepts him along the path is a combatant, highway robber, upon whom the rulings of the highway (robber) are to be implemented. And the one who is killed – if he is the robber – then his (killing) is permissible as long as he was repelled by the least (possible means), and then the more (harsh means, if necessary). But if he (i.e. the one trading with the Christian lands) wasthe one travelling along the path, then he was the oppressed one who is martyred according to the minor (form of) martyrdom, due to the Hadîth: '*Whoever is killed in defence of his wealth, then he is a martyr.*' [50]

Or else (the second scenario) is that it (i.e. that land which the Muslim is trading with) was Dâr Islâm, which the disbelievers conquered and it was obligatory upon us to oppose them and rescue it from their hands. So the one transporting goods and provisions to them is a disobeyer towards Allâh and His Messenger, and committing a major sin, so he is to be deterred from that. But if he does not become deterred, then the ruler or those in charge from the Muslims, are to discipline him. Even if that takes place by imprisoning him or preventing him from travelling to it (i.e. that conquered Muslim land). But if

[50]Narrated by Al-Bukhârî in his "Sahîh", (#2,480), and Muslim and his "Sahîh", (#141), both from 'Abd Allâh ibn 'Amr ibn al-'Âs, رضي الله عنهما.

he does not cease, then it is allowed to send back his goods along the path, as a means to besiege the disbelievers, but it remains the property of its owner. And it is not allowed to kill him, rather he is prevented from that (trade) with what is best and does not lead to any harm. And whoever assists him in that (trade), then he is his partner in that sin, whether his assistance takes the form of words or actions, due to the Hadîth: "*Whoever assists an oppressor, Allâh will put him (i.e. the oppressor) in authority over him (i.e. the one who assists him).*"[51]– Narrated by Ibn 'Asâkir, from Ibn Mas'ûd. And the Hadîth: "*Whoever assists an oppressor, in order to deny a right through his oppression, then the protection of Allâh, and the protection of His Messenger are disavowed from him.*" – Narrated by Al-Hâkim, from Ibn 'Umar,رضي الله عنهما.[52]

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[51]Look to "Târîkh Dimashq", Vol. 34/4. This Hadîth was declared "Mawdhû' (i.e. fabricated)" by Al-Albânî in "Silsilat al-Ahâdîth adh-Dha'îfah", (#1,937) Vol. 4/412. The same defect was mentioned by Mullâ 'Alî Al-Qâri' in "Al-Asrâr al-Marfû'ah", 316, and by Muhammad ibn Muhammad al-Ghazzî in "Itqân Mâ Yuhsin", 2/559, and by Ash-Shawkânî in "Al-Fawâ'id al-Majmû'ah", 211.

[52]"Al-Mustadrak 'Alas-Sahîhayn", Vol. 4/199-200, (#7,131), with the phrase "*Whoever assists a falsehood...*". Defects were mentioned by Ath-Thahabî in his follow-up upon Al-Hâkim's grading, as well as Ibn 'Asâkir after narrating this Hadîth in "Târîkh Dimashq", Vol. 15/315. The phrasing mentioned by this author was narrated by At-Tabarânî in "Al-Mu'jam al-Kabîr", Vol. (#11,216) and (#11,539) from Ibn 'Abbâs, رضي الله عنهما.

THE FIFTH QUESTION:

[The Ruling Upon the Muslims Who Remain Inside the Country, Which was Seized and Occupied by Foreign Invaders, and Subsequently Fall Under Their Rule]

The questioner asked: "And what is your opinion regarding an area, which the disbelievers overtook, while within it there are Muslims who are residing there with their wealth and their children? Is it allowed for them to live within this country of theirs, which has been overtaken, or not? And since they are not satisfied with that (situation), andthey hate those disbelievers,yet they see that their remaining in their country is like a necessity,are they safe from sin? And how is their faith? Is it complete, lacking, or fluctuating? And along with that, if fighting them(i.e. the disbelieving occupiers) is resolved upon (by the leadership in Dâr Islâm), they (i.e. the Muslim residents within that occupied state) do not see any need for themselves to strive (along with the advancing troops). And what is your opinion of them and of those who love them, and those who hate them, from those ones? And (what is the ruling upon) those who follow their orders, while they know that their ruling is contrary to the Sharî'ah of Islâm? And what is the ruling upon the one who resides therein, if he is ruled upon with other than the Islâmic Sharî'ah; and instead (he is ruled upon), with the law of disbelief? Should he obey, remain satisfied and continue to live there, or (should he) disobey and emigrate?

The Answer to the Fifth Question:

The Answer: The ruling of that becomes known from what we will relate to you from the words of our scholars, may Allâh, تعالى, be merciful to them. He (i.e. Ibn Hajar) said in "Al-Minhâj" and its explanation "At-Tuhfah",[53] as follows: "A Muslim lives in Dâr Kufr, in other words 'Harb', and it appears (to us) that Dâr Islâm which they conquered is the same (in its ruling); if he is able to openly display his religion, and he is not hopeful that Islâm will prevail, then emigration to Dâr al-Islâm becomes recommended for him, so that he will not increase their numbers and because they might otherwise plot against him. Yet,that is not obligatory, due to his ability to openly display his religion. And it (i.e. emigration) is not forbidden, because from the characteristics of the Muslim amongst them (i.e. the disbelievers), is dominance and overpowering, as opposed to inability. And from there, if he hopes for the prevailing of Islâm by his residing there, then his residing there is better. But if he is able to resist and seclude himself and does not see the victory of the Muslims as likely through his emigrating, then his residing there becomes obligatory because his area is Dâr Islâm, but if he emigrates it would become Dâr Harb. Then if he is able to fight them and invite them to Islâm, it is obligatory, otherwise it isnot. And what seems apparent, is that it is impossible for this Dâr to return to Dâr Harb – in other words, 'Kufr' – even if they conquer it, as the authentic narration clearly stated: '*Islâm dominates and is not dominated.*'[54]So their saying that it became Dâr Harb, what is meant by that is it became that way in appearance but not in ruling. [55]But if it

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[53]For this discussion look to "Tuhfat al-Muhtâj bi-Sharh al-Minhâj", Vol. 9/268-270.

[54]Look to footnote #8.

[55]The topic of the ruling upon the state itself and when Dâr al-Islâm reverts to Dâr al-Kufr or Harb is a subject wherein there are differences of opinion on the conditions that classify a state as Dâr Harb or Dâr Islâm. The majority of the scholars have stated that Dâr al-Islâm can only be considered such when the rulings of the Islâmic

is not possible for him to openly display his religion, or he fears tribulations regarding his religion, emigration becomes obligatory if he is able, and he would be sinful by remaining. But if he is unable to (emigrate), then he is excused, due to His, تعالى, statement:

﴿إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ﴾

﴿***Verily! As for those whom the angels take*** *(in death)* ***while they are wronging themselves*** *(as they stayed among the disbelievers even though emigration was obligatory for them)*.﴾**(An-Nisâ', 97)** – the verse.

And due to the authentic narration: '*Hijrah, does not cease so long as the disbelievers are fought.*"[56] — End quote.

Sharî'ah are implemented therein and if those rulings are replaced with anything else, then that state is considered Dâr al-Kufr or Harb. Imâm Ibn Al-Qayyim, may Allâh be merciful to him, stated, "The majority have stated that Dâr al-Islâm is that which the Muslims have arrived in and in which the rulings of Islâm have been implemented. And that upon which the rulings of Islâm have not been implemented is not Dâr Al-Islâm, even if it is attached to it,as At-Tâ'if was very close to Makkah, yet it did not become Dâr al-Islâm with the Conquest of Makkah." "Ahkâm Ahl ath-Thimmah", by Ibn Al-Qayyim, Vol. 1/366, Pub. "Dâr Al-'Ilm Lil-Malâyîn", 1983 [Also look to "Badâ'i' As-Sanâ'i'", by Al-Kâsânî, Vol. 9/4375, "Al-Mughnî", by Ibn Qudâmah, Vol. 12/283-284 and "Al-Mabsût" by As-Sarkhasî, Vol. 10/114]

Abû Hanîfah, may Allâh be merciful to him, differed in what would make a state Dâr al-Kufr or Harb, as it was narrated from him by Imâm Ibn Qudâmah al-Hanbalî, who said: "And Abû Hanîfah said, 'It does not become Dâr Harbunless three things are combined therein: (1) It must neighbor Dâr al-Harbwhere there is nothing between it and Dâr al-Islâm. (2) The second: That there is no Muslim, nor Thimmî (non-Muslim tribute payer) who is safe within it. (3) The third: That their rulings are implemented within it." – "Al-Mughnî", Vol. 12/284, and look to "Al-Mabsût" by As-Sarkhasî, Vol. 10/114

And while discussing the city of Mârdîn, which was not ruled with the Sharî'ah, yet the vast majority of its population was Muslim, Shaykh al-Islâm Ibn Taymiyyah, may Allâh be merciful to him, said: "As to whether it (Mârdîn) is Dâr Harb or (a land of) peace, then it is a composite in which both characteristics are present. It is not at the level of the state of peace upon which the rulings of Islâm are implemented, where its soldiers are Muslims, nor is it at the level of Dâr al-Harb whose population are disbelievers. Rather it is a third category, wherein the Muslim is to be interacted with according to his rights, and the one who leaves from the Sharî'ah of Islâm is to be fought, according to those rights." – "Majmu' al-Fatâwa", by Ibn Taymiyyah, Vol. 28/135.

But what is apparent is that the first view of the jurists and scholars is the more popularly held opinion. And Allâh knows best.

[56]Narrated by An-Nasâ'î, Vol. 5/216 (#8,708) and Vol. 5/217 (#8,710), from 'Abd Allâh as-Sa'dî, then from Muhammad ibn Habîb al-Misrî, respectively, and the second is a mistake. It was declared "Sahîh" by Abû Zur'ah, as mentioned in "Târîkh Dimashq", Vol. 31/305 and Al-Albânî in "Sahîh an-Nasâ'î", (#4,183) and (#4,184), and "Sahîh al-Jâmi' as-Saghîr", (#5,218). A similar phrasing with "...*enemy*..." in place of "...*disbelievers*..." was narrated by Ahmad in his "Musnad", Vol. 37/10 (#22,324) and declared "Sahîh" by Ibn Hibbân, as mentioned in "Bulûgh Al-Marâm", (#383). A third similar phrasing was narrated by Ahmad in his "Musnad", Vol. 3/206 (#1,671) and declared "Sahîh" by Ahmad Shâkir in his checking of Musnad Ahmad", Vol. 2/312, and "Hasan" by Al-Albânî in "Irwâ' al-Ghalîl", Vol. 5/33

So it becomes confirmed that if the people of the aforementioned country are able to openly display their religion and they are safe from tribulation, but they do not see the victory of the Muslims as likely, then it is recommended upon them to emigrate. And if it is possible for them to seclude themselves, openly display their religion, and defend themselves, then it is obligatory upon them to remain. But if they are unable to openly display their religion, or they fear they will be put into tribulation regarding their religion, emigration becomes obligatory upon them, so long as they are able to do so. And this is the summary of the discussion regarding the people of the aforementioned country. And from this, it becomes known that if emigration was obligated upon him, he is sinful by remaining. And whoever it (i.e. emigration) is not obligatory upon, there is no sin upon him by remaining. And whoever has no sin upon him, then his faith is complete as long as he fulfills the articles of faith. And whoever is sinful by remaining, then his faith is lacking, even if he fulfills the articles of faith. And from that, it becomes known that the variations in level, is well-known, in accordance to the (amount) of love (of Allâh) and hate (of disbelief) in one's heart. And the one who obeys their order without compulsion or weakness is in (a state of) disobedience. And whoever complies, out of compulsion, while his heart hates it, then he is not sinful. (This is because) the ruling of compulsion in matters, which are less than disbelief, are the same rulings as compulsion in disbelief. Yes, whoever is compelled while he was able to emigrate, then he has disobeyed, because he was the one who assisted them by living amongst them. And Allâh knows best.

And whoever is ruled upon with other than the Sharî'ah of Muhammad; if it necessitates him to permit what is unlawful or make unlawful what is permitted in the (Islâmic) law, then it is not allowed for him to accept it nor obey it. And it is upon him to reject that and to hate it unless he is compelled upon that (action) with what is labelled as (genuine) compulsion, according to the (Islâmic) law.[57]And if he is ruled upon with what complies with the Sharî'ah of Muhammad, then it must be accepted, and it is not upon him to degradehimself by subjecting himself to their rulings, while he is able to emigrate. Otherwise, there would bea degradationof the religion by that. And Allâh says:

﴿وَلَن يَجْعَلَ اللّهُ لِلْكَافِرِينَ عَلَى الْمُؤْمِنِينَ سَبِيلاً﴾

﴿***And never will Allâh grant to the disbelievers a way*** *(to triumph)* ***over the believers.***﴾**(An-Nisâ', 141)**

[57]For a discussion on the definitions of compulsion, refer to "Al-Muhallâ bil-Âthâr", Vol. 5/330, by Ibn Hazm, "Kashf al-Asrâr", Vol. 4/538, by 'Alâ' ad-Dîn al-Bukhârî, and "Hâshiyat ash-Sharqâwî 'Alâ Tuhfat at-Tullâb", Vol. 2/390 by Ash-Sharqâwî. And for a discussion on the conditions for genuine compulsion, look to "Al-Mabsût", Vol. 7/119, by as-Sarkhasî, and "Fat'h al-Bârî", Vol. 12/390-393, by Ibn Hajar al-'Asqalânî.

THE SIXTH QUESTION:

[The Rulings Upon Those Who Emigrate to The Muslim Lands vs. Those Who Emigrate to the Lands of the Disbelievers and the Effect Upon the Wealth of Both Types of Emigration]

The questioner asked: "And what is your opinion regarding two groups who heard that emigration to the Muslim countries and living therein has a disastrous financial affect, but that living in the countries of the disbelievers does not have this disastrous financial affect, rather it only destroys the religion? Then one of the two chose to travel to the Muslim countries and chose the destruction of wealth in order to ensure the preservation of his religion, while the second travelled to the countries of the disbelievers and chose the destruction of the religion over wealth. What is your opinion regarding the faith of these two and in what state is their faith? And is a person sinful if he labels the one who travelled to the countries of disbelief as a 'hypocrite'?"

Answer to the Sixth Question:

The answer: He, تعالى, said:

﴿مَّن كَانَ يُرِيدُ الْعَاجِلَةَ عَجَّلْنَا لَهُ فِيهَا مَا نَشَاء لِمَن نُّرِيدُ ثُمَّ جَعَلْنَا لَهُ جَهَنَّمَ يَصْلاهَا مَذْمُومًا مَّدْحُورًاوَمَنْ أَرَادَ الآخِرَةَ وَسَعَى لَهَا سَعْيَهَا وَهُوَ مُؤْمِنٌ فَأُولَئِكَ كَانَ سَعْيُهُم مَّشْكُورًا﴾

﴾***Whoever wishes for the quick-passing*** *(transitory enjoyment of this world)****, We readily grant him what We will for whom We like. Then, afterwards, We have appointed for him Hell, he will burn therein disgraced and rejected.And whoever desires the Hereafter and strives for it, with the necessary effort due for it while he is a believer, then such are the ones whose striving shall be appreciated, thanked and rewarded*** *(by Allâh)***.**﴿**(Al-Isrâ', 18-19)**

So what a difference between the one who chose the life of this world and its adornments then reaches to the country of disbelief in order to gather its vanities and raise its flags,versus the one who chose the everlasting hereafter. So he was patient upon its afflictions and its hardships. Allâh, عز وجل, said:

﴿وَمِنَ النَّاسِ مَن يَعْبُدُ اللَّهَ عَلَى حَرْفٍ فَإِنْ أَصَابَهُ خَيْرٌ اطْمَأَنَّ بِهِ وَإِنْ أَصَابَتْهُ فِتْنَةٌ انقَلَبَ عَلَى وَجْهِهِ خَسِرَ الدُّنْيَا وَالْآخِرَةَ ذَلِكَ هُوَ الْخُسْرَانُ الْمُبِينُ﴾

﴾***And among mankind is he who worships Allâh as it were, upon the very edge*** *(i.e. in doubt)****; if good befalls him, he is content therewith; but if a trial befalls him, he turns back on his face*** *(i.e. reverts back to disbelief)****. He loses both this world and the Hereafter. That is the evident loss.***﴿**(Al-Hajj, 11)**

This was revealed regarding people from the Bedouins who would enter Islâm and then come to the land of emigration, Al-Madînah al-Munawwarah. Then if it coincided with a year of strong rain, and their horses had given birth and their wives gave birth to a male, he would say: 'This is a righteous religion,

otherwise he would turn back on his heels and say: ‘This is an evil religion.’ Al-Bukhârî [58]narrated in his “Sahih” saying: ‘A Bedouin entered Islâm and emigrated to Al-Madînah. Then soon after he became feverish so he said, ‘O Muhammad, release me from my pledge of allegiance,’ but he refused. Then he, صلى الله عليه وسلم, said: ‘*Verily, Al-Madînah is like a smelting furnace; it expels its impurities.*” – End Quote.

So whoever resides in the land of Islâm, then he has done the right thing. But whoever emigrates to the land of disbelief, then he has earned Allâh’s anger (due to that),because of the forbiddance of him emigrating there, as well as the corruption of his heart with thisvile belief,which resembles the (words of)past disbelievers:

﴿قَالُوا إِنَّا تَطَيَّرْنَا بِكُمْ﴾

﴾***They said: "For us, we see an evil omen from you."***﴿**(Yâ-Sîn, 18)**

﴿وَإِن تُصِبْهُمْ سَيِّئَةٌ يَطَّيَّرُواْ بِمُوسَى وَمَن مَّعَهُ أَلا إِنَّمَا طَائِرُهُمْ عِندَ اللّهُ﴾

﴾***And if evil afflicted them, they ascribed it to evil omens connected with Mûsa and those with him. Be informed! Verily, their evil omens are with Allâh.***﴿**(Al-A’râf, 131)**

And labelling the one mentioned as a hypocrite; if what is meant by that is the hypocrisy of action, with the intent of deterring and being harsh, then there is nothing wrong with that. As ‘Umar ibn al-Khattâb said regarding Hâtib, رضي الله عنهما: “Verily, he is a hypocrite! He has betrayed Allâh and His Messenger.”[59]But if what was meant by it was the hypocrisy in belief, then it is forbidden because no one sees it except Allâh, تعالى. So that would be forbidden, because; did the one who said so tear open his heart? [60]And Allâh knows best.[61]

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[58]“Sahîh al-Bukhârî”, (#1,883), (#7,209), (#7,211), (#7,216), (#7,322), and “Sahîh Muslim”, (#1,381) and (#1,383), all from Jâbir ibn ‘Abdillâh, رضي الله عنهما, all with similar phrasings; some with the full story and some with only the final sentence. All but one narration states: “*It expels its impurities and decontaminates its purities.*”

[59]This is actually a combination of two narrations of the story of Hâtib ibn Abî Balta’ah, رضي الله عنه. The first mentions ‘Umar saying, “Leave me to strike the neck of this Munâfiq (Hypocrite).” This was narrated by Al-Bukhârî in his “Sahîh”, (#3,007), (#4,274) and Muslim in his “Sahîh”, (#2,494). The second narration mentions ‘Umar saying, “He has betrayed Allâh, His Messenger and the Believers, so leave me to strike his neck.” And was narrated by Al-Bukhârî in his “Sahîh”, (#6,259), (#6,939) and (#3,983).

[60]Referring to the commendation of the Messenger of Allâh, صلى الله عليه وسلم, who said to Usâmah ibn Zayd,رضي اللهعنهما, when the later killed a polytheist after he had apparently declared the testimony of faith in order to spare himself from Usâmah’s sword: “*Did he say,‘Lâ Ilâha Illâ Allâh’,yet you killed him?*’ Usâmah said, ‘O Messenger of Allâh, he only said it out of fear of the weapons.’ The Prophet, صلى الله عليه وسلم, replied: ‘*Did you tear open his heart in order to know if it said it or not?*’ – Narrated by Muslim in his “Sahîh”, (#96) on the authority of Usâmah ibn Zayd, رضي اللهعنهما.

[61]And it appears from this discussion by Imâm al-Ahdal, may Allâh be merciful to him, that he held this statement of ‘Umar towards Hâtib, رضي اللهعنهما, in his accusation of hypocrisy, to be a minor form of hypocrisy in action only, based on the fact that major hypocrisy of the heart cannot be seen. However, it is noteworthy that other scholars held this statement of ‘Umar towards Hâtib, رضي اللهعنهما, as being a form of Takfîr, which would only be made in the case of major hypocrisy. And although ‘Umar was mistaken in that judgement towards Hâtib specifically, his judgement

THE SEVENTH QUESTION:

[The Funeral Prayer of the One Who Claims to be from the Community of the Christians vs. the Funeral Prayer for the One Who Claims to Belong to the Community of the Muslim Kingdom]

The questioner asked: "And what do you say if two funerals took place where one of them was a funeral for a man who claims that he was from the 'subjects of the Christians'while the other one was from the 'subjects of the Islâmic Kingdom', and both of them are Muslim? Which of these two do you give preference to in praying upon?"

The Answer to the Seventh Question:

The Answer: The prayer upon the subject of the Islâmic Kingdom is given preference over prayer of the subject of the Kingdom of disbelief. This is because the former is superior and more just, which is well-known. And he is given preference over the subject of the Christians, even if he was a jurist, whereas the subject of Islâm was not a jurist, because his comprehension did not guide him to the truth. And whoever increases in knowledge, but does not increase in piety, then he has not increased except in distance away from Allâh. However, assuming that the subject of the disbelievers was compelled and weak and was unable to emigrate, then he is equal to the subject of the Muslims, and that is apparent. And Allâh knows best.

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upon betraying Allâh and His Messenger, being a major form of hypocrisy would be correct. As Ibn Taymiyyah, may Allâh be merciful to him, said:

"And the permissibility of executing of the Zindîq, hypocrite without being given the opportunity to repent is indicated by what was narrated in the two Sahîhs, in the story of Hâtib ibn Abî Balta'ah. He said: 'So 'Umar said: 'O Messenger of Allâh, allow me to strike the neck of this hypocrite.' So the Messenger of Allâh, صلى الله عليه وسلم, said: 'Verily, he participated in Badr. And what would tell you? Perhaps Allâh looked at the people of Badr and said: 'Do whatever you wish, as I have forgiven you.' So it indicates that the striking of the neck of the hypocrite without being given the opportunity to repent is legislated, as the Prophet did not condemn 'Umar in permitted the striking of the neck of the hypocrite. Rather, he replied by saying that he was not a hypocrite, and that instead, he (i.e. Hâtib) was from the people of Badr, who had been forgiven. So if hypocrisy, in which there is no doubt that it is (truly) hypocrisy) becomes seen, then it permits the blood." [Look to "As-Sârim al-Maslûl 'Ala Shâtim ar-Rasûl", by Shaykh al-Islâm Ibn Taymiyyah, Vol. 3/663-664]

THE EIGHTH QUESTION:

[The Ruling Upon the One Who Turns Away From the Ruling of Islâm in Favour of the Ruling of the Christian Laws]

The questioner asked: "And what is your opinion regarding the one who had a dispute and he seeks the ruling of the Sharî'ah, and the judgment of the Sharî'ah is applied to him, but the other one says, 'I am from the 'subjects of the Christians' and I want the ruling of the Christians.' Then what do you say? Is his wealth permitted and is he an apostate, or not?'

The Answer to the Eighth Question:

The Answer: If the (Muslim) subject of the Christians said that, while hating the ruling of the Sharî'ah and permitted the ruling of the Christians, then he has disbelieved and has become an apostate, upon whom the rulings of apostasy, which have been approved in their place, are to be implemented. But if he said that without any intention, nor making it permissible, then he is a Fâsiq (wicked sinner) who is to be disciplined with whatever the ruling of the pure Sharî'ah sees fit. [62]And His, عز وجل, statement was held upon the first category:

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[62]The rule: "**Permitting What is Forbidden is Disbelief**" is correct and relevant only in matters where the action, statement or belief under discussion is a sin, which is less than disbelief, in-and-of-itself. So for instance, when it comes to drinking alcohol, committing fornication/adultery or theft – if the accused holds those sins to be permissible, then in addition to being guilty of the actual sin itself, he has disbelieved (due to his view that this sin was permissible). However, if the accused does not hold the sin to be permissible, then he is only guilty of the sin itself. However, in matters where the action, statement or belief under discussion is disbelief in-and-of-itself, then the one guilty of committing it has disbelieved, regardless of his opinion regarding its permissibility. So for instance, forming allegiance with the disbelievers against the Muslims, belittling Islâm in some way, or seeking judgements and rulings other than those of the Islâmic Sharî'ah – these are examples, which are disbelief in-and-of-themselves. And therefore the opinion of the one guilty of committing such things, regarding their permissibility becomes irrelevant because he has already committed disbelief.

The jurists have disagreed upon the rulings of certain actions and whether or not these actions are considered to be disbelief in-and-of-themselves. One typical example is the abandonment of prayer. There are some who held the abandonment or prayer itself to be disbelief and there are others who held that abandoning prayer only reaches disbelief if the accused does so, due to his opinion that it was permissible for him to abandon the prayer (or that the prayer was not obligatory). And even though the evidence of the Sharî'ah points to the abandonment of prayer as an action of disbelief on its own, it is not unusual to find statements of the jurists where they add the condition of permissibility to this sin in order to label it as disbelief. And this is what Shaykh 'Abd Allâh al-Ahdal, may Allâh be merciful to him, did above in his discussion of seeking rulings other than those of the Islâmic Sharî'ah, as he has made the disbelief of this action to be conditional upon the opinion of permissibility by the one who commits it.

However, the correct opinion is that seeking judgments and rulings from other than the Sharî'ah is an action of disbelief in-and-of-itself, regardless whether the one who does so believes that non-Islâmic ruling to be better, equal to, or merely allowed to seek instead of the Islâmic Sharî'ah. And the reality is that even the evidences

﴿فَلاَ وَرَبِّكَ لاَ يُؤْمِنُونَ حَتَّىَ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لاَ يَجِدُواْ فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُواْ تَسْلِيمًا﴾

﴿***But no, by your Lord, they can have no Faith, until they make you*** *(O Muhammad)* ***judge in all disputes between them, and find in themselves no resistance against your decisions, and accept*** *(them)* ***with full submission.***﴾**(An-Nisâ', 65)**

Ibn Abî Hâtim [63]and Ibn Mardawayh narrated from the path of Ibn Lahî'ah from Abul-Aswad, who said: "Two men took their dispute to the Messenger of Allâh, صلى الله عليه وسلم, so he judged between them.

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brought forth by the Shaykh in this answer indicate this. This is because the action itself is disbelief, and so the condition of permissibility is irrelevant to this action, which is disbelief in-and-of-itself. And due to this, most of the scholars described the action itself as disbelief, without adding the condition of permissibility upon that action. (In fact, in an upcoming paragraph, the Shaykh quotes his ancestor who himself refers to this action itself as a form of major disbelief, and he did not mention any condition of permissibility.) For instance, Imâm 'Abd al-Latîf ibn 'Abd ar-Rahmân, may Allâh be merciful to him, was asked, about that which the people of old-fashioned customs – from the Bedouins and others – judge with, from the customs of their fathers and their grandfathers. Are they labelled with disbelief after they have been made aware?" So he answered, "Whoever seeks a judgment from other than the Book of Allâh and the Sunnah of His Messenger, صلى الله عليه وسلم, after it has been made known to him, then he is a disbeliever. Allâh, تعالى, said:

﴿وَمَن لَّمْ يَحْكُم بِمَا أَنزَلَ اللّهُ فَأُوْلَـئِكَ هُمُ الْكَافِرُونَ﴾

And whosoever does not judge by what Allâh has revealed, such are the Kâfirûn.

And He, تعالى, said:

﴿أَفَغَيْرَ دِينِ اللّهِ يَبْغُونَ﴾

Do they seek other than the religion of Allâh..." – the verse.

And He, تعالى, said:

﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُواْ بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُواْ إِلَى الطَّاغُوتِ وَقَدْ أُمِرُواْ أَن يَكْفُرُواْ بِهِ﴾

Have you seen those (hyprocrites) who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement (in their disputes) **to the Tâghût** (false judges, etc.) **while they have been ordered to reject them..."** – the verse.

And He, تعالى, said:

﴿وَلَقَدْ بَعَثْنَا فِي كُلِّ أُمَّةٍ رَّسُولاً أَنِ اعْبُدُواْ اللّهَ وَاجْتَنِبُواْ الطَّاغُوتَ﴾

And verily, We have sent among every Ummah (community, nation) **a Messenger** (proclaiming)**: "Worship Allâh** (Alone)**, and avoid** (or keep away from) **Tâghût..."** – the verse. And the verses which carry this meaning are many."

– Look to "Ad-Durar as-Saniyyah Fil-Ajwibah an-Najdiyyah", Vol. 10/426. This was also explained by Ibn Kathîr, may Allâh be merciful to him, in "Al-Bidâyah wan-Nihâyah", Vol. 17/162-163, and others. The issue of ruling with and seeking judgments from other than the Sharî'ah being disbelief regardless of the opinion of the one doing so, was discussed in detail by Shaykh 'Abd al-Karîm ash-Shâthilî, may Allâh free him, in his book "Fasl al-Maqâl Fî Anna Man Takâkama ilat-Tâghût Minal-Hukkâm Kâfir Min Ghayri Juhûd Wa Lâ Istihlâl".

[63]"Tafsîr Ibn Abî Hâtim", Vol. 3/994, (#5,560)

Then the one who was judged against said: 'Let us return to 'Umar ibn al-Khattâb.' So the Messenger of Allâh, صلى الله عليه وسلم, said: '*Yes, go 'Umar.*' So when they came to 'Umar, the man said: 'O Ibn al-Khattâb, the Messenger of Allâh, صلى الله عليه وسلم, judged against this person, so he said: 'Let us return to 'Umar', so we returned to you.' So he (i.e. 'Umar) asked: 'Is this so?' He said, 'Yes.' So 'Umar said: 'Remain in your places until I come out to you. Then I will judge between you.' So he came out to them holding his sword, then he struck the one who said: 'Let us return to 'Umar,' killing him thereby. And the other one fled to the Messenger of Allâh, صلى الله عليه وسلم, and said: 'O Messenger of Allâh, 'Umar killed my companion, and I had not evaded (him), then he would have killed me.' So the Messenger of Allâh, صلى الله عليه وسلم, said, '*I did not assume that 'Umar would dare kill the believers.*' So Allâh, عز وجل, revealed:

﴿فَلاَ وَرَبِّكَ لاَ يُؤْمِنُونَ ...﴾

﴿***But no, by your Lord, they can have no Faith...***﴾**(An-Nisâ', 65)**– the verse...

So the blood of that man became permitted and 'Umar was freed from (any blame regarding) his blood.' – End quote.[64]

And it has strengthening narrations, [65]which were narrated by Zuhaym [66]in his Tafsîr and Al-Hakîm at-Tirmithî, in his "Nawâdir". [67]

And He, تعالى, said:

﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُواْ بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُواْ إِلَى الطَّاغُوتِ وَقَدْ أُمِرُواْ أَن يَكْفُرُواْ بِهِ وَيُرِيدُ الشَّيْطَانُ أَن يُضِلَّهُمْ ضَلاَلاً بَعِيدًا﴾

﴿***Have you seen those*** *(hypocrites)* ***who claim that they believe in that which has been sent down to you, and that which was sent down before you, and they wish to go for judgement*** *(in their disputes)* ***to the Tâghût*** *(false judges, etc.)* ***while they have been ordered to reject them. But Shaytân wishes to lead them far astray.***﴾**(An-Nisâ', 60)**

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[64]This narration was rejected by Az-Zayla'î in "Takhrîj Al-Kashâf", Vol. 1/330 and by Ibn Kathîr in "Tafsîr al-Qur'ân al-'Athîm", Vol. 1/146.

[65]Some of the narrations are as the Shaykh mentioned, and some of them mention going to Abû Bakr as-Siddîq before going to 'Umar ibn al-Khattâb, رضي الله عنهما. Ibn Kathîr mentioned in "Musnad al-Fârûq", Vol. 2/576, that the two chains strengthen each other. This was also mentioned by Ibn Taymiyyah in "As-Sârim al-Maslûl 'Alâ Shâtim ar-Rasûl", Vol. 2/83.

[66]In our copy of the manuscript, it says "Zuhaym". We assume this is a typographical error, and what was meant as "Duhaym", referring to Abû Is'hâq Ibrâhîm ibn 'Abd Ar-Rahmân ibn Ibrâhîm ibn Duhaym. This narration was attributed to him in his Tafsîr by Ibn Kathîr in "Tafsîr al-Qur'ân al-'Athîm", Vol. 1/146, and As-Suyûtî in "Ad-Durr al-Manthûr", Vol. 2/322.

[67]"Nawâdir al-Usûl Fî Ahâdîth ar-Rasûl", under Fundamental #43

Ibn Abî Hâtim and At-Tabarânî [68] narrated, with an authentic chain, from Ibn 'Abbâs, who said: "Abû Burdah [69] al-Aslamî was a soothsayer. So he would judge between the Jews regarding that which they would dispute. Then some people from the Muslims took a dispute to him, so Allâh, عز وجل, revealed:

﴿أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ...﴾

﴿***Have you seen those*** *(hypocrites)* ***who claim...***﴾– the verse...

And Ibn Is'hâq, Ibn al-Munthir and Ibn Abî Hâtim [70] narrated from Ibn 'Abbâs that Al-Julâs ibn as-Sâmit – prior to his repentance – as well as Mu'attib ibn Qushayr, Râfi' ibn Zayd and Bashîr, used to claim Islâm, and then some men from their people called them to the Messenger of Allâh, صلى الله عليه وسلم. So they (i.e. those named) called them (i.e. their people) to the soothsayers who were the judges in the pre-Islâmic period of ignorance, so Allâh, عز وجل, revealed this verse.

And these Hadîths have strengthening narrations, which were narrated by Ibn Jarîr, 'Abd ibn Humayd, Ibn Abî Hâtim, and Ath-Tha'labî from Ibn 'Abbâs, which As-Sûyûtî – may Allâh, تعالى, be merciful to him — collected in "Ad-Durr al-Manthûr". [71] I say: And there is no doubt that the one who said, "I want the ruling of the Christians," has deviated and opened himself up to criticism and resembled the hypocrites, whom Allâh said regarding them:

﴿وَإِذَا قِيلَ لَهُمْ تَعَالَوْاْ إِلَى مَا أَنزَلَ اللّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنكَ صُدُودًا﴾

﴿***And when it is said to them: "Come to what Allâh has sent down and to the Messenger," you see the hypocrites turn away from you with aversion.***﴾**(An-Nisâ', 61)**

'Abd ibn Humayd, Ibn Jarîr, Ibn al-Munthir and Ibn Abî Hâtim [72]narrated from Mujâhid regarding this verse, that he said: "A man from the hypocrites and a man from the Jews disputed, so the hypocrite said, 'Let us go to Ka'b ibn al-Ashraf.' And the Jew said, 'Let us go to Muhammad, صلى الله عليه وسلم." So Allâh revealed this verse. And Ibn Jarîr narrated from Ar-Rabî' ibn Anas that he said: "Two men from the companions of the Prophet, صلى الله عليه وسلم, had a dispute between themselves. One of them was a believer and the other was a hypocrite. So the believer called him to the Prophet, صلى الله عليه وسلم, and the hypocrite called him to Ka'b ibn al-Ashraf. So Allâh, عز وجل, revealed:

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[68]"Tafsîr Ibn Abî Hâtim", Vol. 3/991 (#5,548) "Al-Mu'jam al-Kabîr", (#12,045). Its chain of narration was declared "Jayyid" by Ibn Hajar in "Al-Isâbah Fî Tamyîz as-Sahâbah", Vol. 7/38.

[69]In our copy of the manuscript, it stated "Burzah", but the correct name is Burdah. [Look to "Al-Isâbah Fî Tamyîz as-Sahâbah", Vol. 6/434 and 7/37-38]

[70]Ibn Is'hâq, Vol. 1/526, "Tafsîr al-Qur'ân" by Ibn al-Munthir, (#1,944) and (#1,947), from the statement of Ibn Is'hâq.

[71]"Ad-Durr al-Manthûr fit-Tafsîr bil-Ma'thûr", Vol. 4/515-517.

[72]"Jâmi' al-Bayân Fî Ta'wîl Ây al-Qur'ân" by Ibn Jarîr, 7/193-194, "Tafsîr al-Qur'ân" by Ibn Al-Munthir, (#1,943), "Tafsîr Ibn Abî Hâtim", Vol. 3/991, (#5,548)

﴿وَإِذَا قِيلَ لَهُمْ تَعَالَوْاْ إِلَى مَا أَنزَلَ اللّهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنكَ صُدُودًا﴾

﴿***And when it is said to them: "Come to what Allâh has sent down and to the Messenger," you see the hypocrites turn away from you with aversion.***﴾**(An-Nisâ', 61)**

So the noble verse judged that the one who turns away, in other words, the one who averts from the Sharî'ah of Muhammad, is deserving of the label of Hypocrisy, and to be labelled as such, due to him committing what contradicts the believing Muslims from following and submitting to the ruling of Allâh and His Messenger, صلى الله عليه وسلم, in all of that which his seal (of Prophethood) came with. May Allâh cause our end (i.e. death) to be upon faith, through His favour, His generosity and His Open-Handedness.

Âmîn.

In the Fatâwa of the Sayyid (leader/master), [73] the eminent scholar, the best of the great researchers until his era, (the best of) those with understanding of the Truth and those who have the best Islâmic manners, from Zabîd, [74] 'Abd ar-Rahmân ibn Sulaymân Maqbûl al-Ahdal, may Allâh, تعالى, be merciful to him, has come the following phrase:

"Know that what some of the tribes in the area of Al-Hijâz follow from the customs, which contradict the (Islâmic) law, and likewise which other tribes than theirs follow; the Imâms of Islâm and the guiders of the people have spoken about them. And a question regarding that was raised to the Muftî of his era in the Yemeni states, the Walî (Ally of Allâh), the eminent scholar, Yûsuf ibn Yûsuf al-Muqri' and the one who initiated it, was the eminent scholar, Taqiyyud-Dîn al-Fatî, the Muftî of Ar-Rawdh. And he, along with a large group of scholars from Zabîd declared the aforementioned answer of Al-Muqri' to be correct. From them was Al-Fakhr al-Nâshirî, Al-Jamâl al-Qimât and Al-Jamâl az-Zayla'î. And from the scholars of the mountains, Al-Jamâl an-Nahârî, the author of "Al-Kifâyah", and others."

"And the summary of the answer is that the customs of the tribes, which are well-known amongst them, and which they label with names that they have made up, along with inventions which they have fabricated and which oppose the Sharî'ah, and whoever judges with them or holds them (upon someone else), then he is outside of the religion; cornered in Hell-fire along with the misguided ones. [75] And whoever believes in the validity of that, then he is a disbeliever without doubt, whose blood is permitted with its conditions. And it is not allowed for anyone from the people of the religion to remain silent about that. Rather, it is obligatory to object to whomever participates in that, or speaks (in favour) of it. And it is not allowed to take judgements to it (i.e. those customs) and Allâh is more knowledgeable regarding what is good for His slaves. And that was only given (to people) by the disbelievers and the

[73] In his review of this translation, Shaykh Anwar al-Awlaki, may Allâh preserve him, explained: "In Tihâmah (the land of the Shaykh) 'Sayyid' is the title given to the scholars who are from the descendants of the household of the Prophet, صلى الله عليه وسلم. 'Faqîh' is the title given to scholars who do not belong to Ahl al-Bayt."

[74] **Zabîd:** A city on Yemen's Western coastal plain.

[75] And here is the statement of the author's ancestor, may Allâh be merciful to them both, which was referred to in an earlier footnote, where he did not place any condition of permissibility upon the major disbelief of ruling by other than the Sharî'ah of Allâh or seeking rulings other than those of Allâh's etc.

ignorant ones from the heretics. And they threw that to their devils, in order to lead them to their destruction and they claim that they by doing so, they seek to rectify the matters and to repel any tribulations and evil. So with that, they (those who invented those customary rulings) expel them (the followers of those judgments) from their religion, just as the Shaytân expelled the people of polytheism (out of the religion) through worshiping idols by making images of their Prophets and later on, worshiping them. [76] So we ask Allâh for safety, as Allâh has originated the creation and legislated for them certain responsibilities in which there are the benefits for their religion, their worldly life and their hereafter. So what is obligatory upon the Muslim rulers, upon the active scholars, and upon the general public who follow the religion of the leader of the Messengers (i.e. the Prophet, صلى الله عليه وسلم), is to reject that (fabricated law), to remove it, and to deter them away from it. And it is not allowed for anyone who has the ability (to publicly condemn that) to remain silent about that, or to be tolerant of it, because it is from the greatest of objectionable matters." – End quote.

So if that were regarding the customs, which the people of Islâm innovated, then what do you think about the laws of the transgressing disbelievers?
And with the praise of Allâh, تعالى, what I wanted to convey regarding these questions is complete. And all praise is due to Allâh, foremost and lastly, inwardly and outwardly. And may Allâh send blessings and peace upon our master, Muhammad and upon his family and companions. And there is no power nor might except through Allâh, Al-'Alî (the High), Al-'Athîm (the Great).

And on the day in which I completed the explained answer, during the night, while sleeping, I saw the Prophet, صلى الله عليه وسلم, while myself and my brother, the Sayyid (leader/master) Hasan were in front of the Messenger and the questioner was upon the right of the Messenger, swaying back and forth, like the branch of a tree. And the appearance of the clothing of the Prophet,صلى الله عليه وسلم, resembled Kurdish clothing. So that indicated the acceptance of the answer and the question. [77]

O Allâh, give victory to the Muslims and grant them success in what is correct.

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[76]Referring to the Hadîth narrated by Al-Bukhârî (#4,920) from Ibn 'Abbâs, رضي الله عنهما, who said: "The statues which were amongst the people of Nûh, ended up with the Arabs." – until he said: "They were names of righteous men of the people of Nûh, then when they died, the Shaytân revealed to their people that they should erect structures upon the places where they used to sit and call them by their names. So they did that, but they were not worshipped. Then when those ones passed away and the knowledge was removed, they were worshipped."

[77]In his review of this translation, Shaykh Anwar al-Awlaki, may Allâh preserve him, explained: "The fact that the questioner was on the right of the Prophet, صلى الله عليه وسلم, is a good sign of the virtue of the questioner. And the Imâm and his brother in front of the Prophet, صلى الله عليه وسلم, is a sign of following the Sunnah of the Prophet, صلى الله عليه وسلم, (The opposite is true: If someone sees the back of Rasûl Allâh, صلى الله عليه وسلم, or has his back turned towards Rasûl Allâh, صلى الله عليه وسلم, then that is a sign of going against the Sunnah)
The clothes of the Kurds: Apparently Muslim soldiers in the time of the author used to wear uniforms similar to the dress of the Kurds. If this is true it would be a sign of approval of their efforts to see the Prophet wearing the same clothes as theirs."

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